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APRIL 2003
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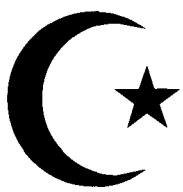
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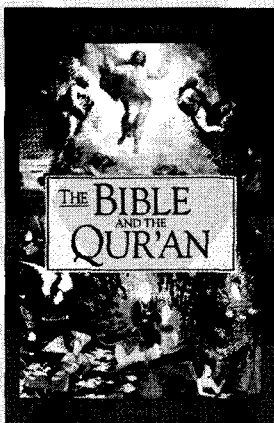
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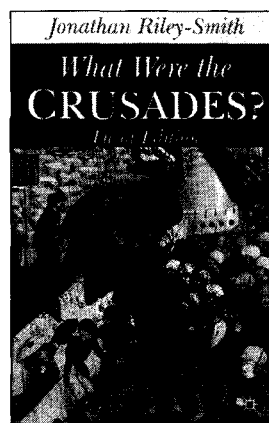
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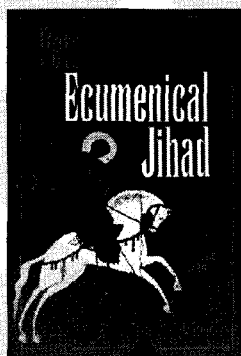
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Publisher: *Institute on Religion and Public Life*
Publishing Service: *Publishing Management Associates*

FIRST THINGS (ISSN #1047-5141) is published monthly (except for combined issues June/July and August/September) for \$34 per year (\$14.97 for students) by The Institute on Religion and Public Life, 156 Fifth Avenue, Suite 400, New York, NY 10010. Periodicals postage paid at New York, NY and additional mailing office. POSTMASTER: send address changes to FIRST THINGS, P.O. Box 401, Mt. Morris, IL 61054. Editorial Offices: The Institute on Religion and Public Life, 156 Fifth Avenue, Suite 400, New York, NY 10010. Editorial Phone: (212) 627-1985. Email: ft@firstthings.com. Website: <http://www.firstthings.com>. Advertising Offices: 129 Phelps Avenue, Suite 312, Rockford, IL 61108. Advertising Phone: (815) 398-8569. Email: firstthingsadsales@pma-inc.net. Subscription Department: P.O. Box 401, Mt. Morris, IL 61054. Subscription Phone: 1-877-905-9920. Email: frth@kable.com. Unsolicited material cannot be returned unless accompanied by sufficient return postage. Newsstand distribution by Eastern News Distributors, Inc., One Media Way, 12406 Rt. 250, Milan, OH 44846. Copyright © 2003 by the Institute on Religion and Public Life. All rights reserved. Produced in the USA.

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Just War Tradition Today

I was impressed by George Weigel's provocative article, "Moral Clarity in a Time of War" (January), which applies the Catholic doctrine of just warfare—when it is to be engaged in and how it is to be conducted—to a possible preemptive war by the United States and whatever allies it can muster against Saddam Hussein's Iraqi regime. I was surprised to find the doctrine, as he interprets it, to such a large degree supportive of the present Administration's justifications for taking that course of action in the future should all other means of disarming Saddam's regime fail.

There are several parts of Mr. Weigel's argument that I cannot agree with. In the law of war, as understood by most Western states since 1648 and the Treaty of Westphalia which terminated the Thirty Years War, preemptive warfare is generally frowned upon, because it is so difficult to distinguish from "wars of aggression," *unless* the party first attacked was itself planning an *imminent* first strike on the party that acts preemptively. This was probably the situation that confronted Israel in 1967 and that justified its preemptive initiation of hostilities against its Arab neighbors. However, the imminence of Hussein's attack with weapons of mass destruction against Iraq's neighbors—or the United States, for that matter—is far less apparent, at least on the basis of what our government has seen fit to reveal up to now. Even Iraq's immediate neighbors do not seem overly concerned about this threat—Israel excepted, of course. It might be more prudent on our part to watch and wait until the threat becomes more urgent, not only to ourselves, but to our friends and allies in the region.

Second, under the heading of "just cause," Mr. Weigel seems to argue that a war of aggression against a sufficiently evilly disposed opponent might be justified in order to establish "the tranquility of order." I don't think there is presently any moral justification for such a slippery concept or practice. The U.S. may be a "superpower" militarily, economically, and technologically, but it is not so great a superpower that it can establish a worldwide Pax Americana under its protective aegis. Attempting such a goal would be a case of overreach and would undoubtedly stir up such a hornet's nest of opposition that it would set a major part of the world's population against us.

Barton L. Ingraham
Santa Fe, New Mexico

A war with Iraq, in George Weigel's opinion, fits his definition of a just war—but not Pope John Paul II's. In his Christmas message, the Pope called for people to extinguish the ominous smoldering of a conflict which, with the joint effort of all, can be avoided.

Vatican officials have spoken more bluntly. Archbishop Renato Martino, the prefect for the Pontifical Council for Justice and Peace, recently told reporters that a preventive war was a war of aggression, and, therefore, not a just war.

The Vatican foreign minister, Archbishop Jean-Louis Tauran, cautioned that a strike against Iraq would aggravate ill will toward Christians in the Muslim world: a type of anti-Christian, anti-Western crusade could be incited.

World opinion is now heavily critical of the United States. To President Bush's credit, he overruled his war hawk advisors and did participate with the UN Security Council in developing a weapons inspection plan

for Iraq. Out of that should come a path to peace, giving us all an opportunity to work constructively with our neighbors to the south, the Muslim world, and Africa. Let's take the leadership role in development around the world. Let's earn a reputation, not as a military power, but as a leader in promoting prosperity and democracy.

James McFadden
Bronx, New York

I did not find that George Weigel's article contributed to moral clarity, but instead provoked more questions. How can this devoted follower of John Paul II ignore the Pope's ever more explicit condemnations of U.S. plans for a preemptive strike in Iraq? When the Pope says "No to war" and states that war "is always a defeat for humanity," what does Mr. Weigel reply?

Mr. Weigel already discounts the statement of our U.S. bishops, a strategy that seems at odds with his general defense of hierarchical authority in other intrachurch disputes. He considers religious statements on the war to be symptomatic of "clericalism." After all, he claims, religious leaders are not responsible for statecraft, and are not as informed as political leaders "about the relevant facts." But can governance be separated from the moral responsibility of religious citizens to act critically?

I am also worried about Mr. Weigel's implication that Father John Courtney Murray would agree with Machiavelli's dictum that the end justifies the means, or that the Sermon on the Mount can be bypassed in moral analysis. What does Mr. Weigel make of Christ's teachings and the ethics of the New Testament?

If Mr. Weigel wants to convince us that the just war approach is Christ-worthy, he must connect and more fully ground his arguments with central theological beliefs. I know that Mr. Weigel and his supporters are sincere, very smart, very energetic, and devoted to the Church,

but are they faithful to the Christian gospel?

Sidney Callahan
McKeever Chair of Moral Theology
St. John's University
Ardsley-on-Hudson, New York

In "Moral Clarity in a Time of War" George Weigel makes a strong case for the public relevance of the just war tradition to public statecraft. But when he turns to the criterion of "last resort," the case becomes less convincing. Mr. Weigel defines the satisfaction of the last resort criterion "in those cases when a rogue state has made plain, by its conduct, that it holds international law in contempt and that no diplomatic solution to the threat it poses is likely, and when it can be demonstrated that the threat the rogue state poses is intensifying."

Despite intensive efforts by the Bush Administration and Blair Government, and despite Saddam's continued roguish character, it is not clear that the second and third conditions—the impossibility of a diplomatic solution and the intensification of the threat—are currently accurate descriptions of Iraq. Backed by force, UN inspections efforts seem to be working. Nor is it clear, to the public at least, that the Iraqi threat has grown.

Scott Waalkes
Malone College
Canton, Ohio

The Sermon on the Mount may not be identical with morality, but for George Weigel it apparently has no bearing on it whatsoever. In defending the just war tradition, Mr. Weigel never mentions Jesus Christ, discusses charity once, and makes scant reference to God. Without serious theological analysis, he distorts the history of the just war tradition, and ignores Pope John Paul II's important contributions to moral theology. In the *Summa Theologiae*, Thomas Aquinas discusses warfare in the context of charity, devoting more than twenty articles to analyzing charity's nature and demands. Paul Ramsey eloquent-

ly demonstrates how charity requires us to defend the innocent in conflict situations. Mr. Weigel mentions these discussions, but they are an afterthought, and he makes no attempt to relate charity to the *ad bellum* part of the tradition.

Astonishingly, he also claims that peace is not a matter of the individual's relationship to God, "which by definition has nothing to do with politics." How can any Christian so radically separate his or her interior development from political life? For years, Pope John Paul II has rejected this kind of absurd divorce between political morality and individual moral growth. To take just one example, in *Veritatis Splendor* he analyzes the story of Jesus and the rich man, unambiguously grounding moral norms in our relationship to God. The Pope has made this message one of the hallmarks of his defense of the person's dignity. Unfortunately, Mr. Weigel blithely ignores it, giving us a just war tradition without God and Christian love. In a time of war, this is muddled thinking, not moral clarity.

Derek S. Jeffreys
Assistant Professor of Humanistic
Studies And Religion
University of Wisconsin
Green Bay, Wisconsin

George Weigel goes wrong in his attempt to amend or adapt the just war tradition to make it compatible with the neoconservative ideology of American military interventionism and nation building. Most problematic is his belief that the United States is justified in taking "preemptive" action against any country determined to be a "rogue state," if that "rogue state" appears to have (to use that increasingly tiresome phrase) "weapons of mass destruction."

Who gets to decide what constitutes a "rogue state"? From the looks of his article, Mr. Weigel would probably argue, "the U.S." But why? Since when did God delegate this kind of authority to the government of a single nation, or any human institution?

Entrusting this responsibility—that is, the responsibility to topple regimes and prop up new ones at will all over the world—to our elected officials seems pretty dangerous. Does Mr. Weigel think it even remotely possible that assigning “rogue nation” status to a particular country may at times spring more from self-serving political expediency on the part of the assigner than an earnest and objective appraisal of the alleged roguery committed by the country under scrutiny?

Mr. Weigel clearly wants to set up a double standard among nations: some are entitled to possession of nukes (namely, we and our allies), and some aren’t (namely, any nation we don’t like or that doesn’t like us). Moreover, he gives us permission to invade countries we don’t like under the pretext of their supposed “rogue nation” status, and to install regimes more amenable to our interests once we have overthrown the rogues. Naturally, these unfortunate other nations don’t have the same prerogative to invade us and change our government if they determine us to be guilty of roguery.

Thus in the Weigelian perspective, state sovereignty applies to no one except the United States, which, being the only world power and apparently having some innate goodness other nations lack, gets unlimited jurisdiction across the globe to change things for the better as it sees fit. It is hard to understand how what he suggests is anything other than a blueprint for U.S. world domination, which in turn is certain to provoke more acts of terror from those who already resent our constant meddling and frequent self-righteous posturing.

Andy Nowicki
Thomson, Georgia

George Weigel replies:

“Moral Clarity in a Time of War” was intended to address the moral/theological challenges posed to the just war tradition by the new realities of international public life, including the international terror networks, the

proliferation of weapons of mass destruction in the hands of unstable and aggressive regimes, the possibility that such weapons could be transmitted to terrorist organizations, and the inability of international institutions to address these threats to the very possibility of the peace-of-order in international affairs. While some of my correspondents take up various of these theological challenges, others decline to deal with questions of theology at all, preferring to inveigh against the policies of the Bush Administration. As the Administration is quite capable of defending its policies and its judgments, let me focus here on several of the theological and ecclesiastical questions raised.

After reviewing the traditional just war criteria, the *Catechism of the Catholic Church* teaches that the evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good (§2309). The meaning of this seems plain. The duty of religious leaders is to teach the principles of the tradition and urge that they be brought into public and governmental deliberation about the possible use of armed force in the service of peace, justice, and freedom; but it is not the duty of religious leaders to make the call as to whether those criteria have been satisfied in a particular case. That is the prerogative and the duty of those who have taken responsibility for the common good—public officials. This duty includes evaluating when the criterion of last resort has been satisfied.

In his address to the diplomats accredited to the Holy See on January 13, Pope John Paul II said the following: “War is never just another means that one can choose to employ for settling differences between nations. As the Charter of the United Nations Organization and international law itself remind us, war cannot be decided upon, even when it is a matter of ensuring the common good, except as the very last option and in accordance with very strict conditions,

without ignoring the consequences for the civilian population both during and after military operations.” I agree. But the determination of when the very last option has been reached is a matter for prudential judgment, not mathematical calculation.

Such a determination takes place in history, not in a vacuum. In the present instance, the relevant history goes back more than a decade. In 1991, Iraq agreed to disarm. For twelve years it has failed to do so. It impeded weapons inspections during the 1990s, and expelled the UN-SCOM inspectors in 1998—not, one can only assume, out of mere pique, but to block further impediments to its ongoing chemical and biological weapons programs and to its attempts to acquire a nuclear capability. UN Resolution 1441 declared the Security Council’s conviction that the time for such obstruction was past, and that the Iraqi regime must demonstrate its disarmament or be forcibly disarmed.

Dr. Hans Blix, in his January 27 report to the Security Council, made clear that Iraq was not cooperating with the inspectors, whose task was not (the world media notwithstanding) to find a smoking gun but to verify that Iraq had disarmed itself of weapons of mass destruction. The assumption of 1441 was that Iraq has had and continues to possess such weapons, not for purposes of deterrence but for aggression. This is the context in which the prudential judgment about last resort must be made—to repeat, by those who have responsibility for the common good.

A further issue has come to the fore since I wrote “Moral Clarity in a Time of War,” and several of my correspondents allude to it, directly or indirectly: the question of legitimate authority. Numerous religious leaders around the world have asserted that the UN, which in practice means the Security Council, is the only authority capable of legitimating the use of proportionate and discriminate armed force. The moral logic of this is not, to put it mildly, self-evi-

dent. At present, three of the veto-holding powers on the Security Council—France, Russia, and China—conduct their foreign policy according to the bluntest Realpolitik calculus (a calculus which led France and Russia to help undermine the containment of Iraq in the late 1990s for commercial reasons). How their judgment, based on those calculations of raw national interest, constitutes a moral legitimacy that trumps all others is not an easy case to make. Security Council authorization of armed force to disarm Iraq (or respond effectively to the threat posed by the terrorist networks) may be politically desirable for a variety of reasons, including support for the possibility that the UN might someday evolve into a genuine international security system. But how can such authorization possibly constitute an essential moral warrant now, given the amorality that informs the decision-making of three of the key members of the Security Council?

Ends and means are an old argument. It seems to me that my meaning in the essay was reasonably clear: a good end does not justify any means, but unless there is a morally worthy and achievable political end that informs the use of armed force, war is simply wickedness. The entire burden of the just war tradition in its two component parts—the *ius ad bellum* and the *ius in bello*—is to link proportionate and discriminate means to morally worthy ends, even in the limit case of war. Surely this is beyond dispute.

The relationship of one's personal spiritual disposition to the pursuit of the peace of *tranquillitas ordinis* is addressed in the just war tradition's *ad bellum* criterion of right intention. To recognize that the peace of a right relationship with God (which includes personal moral development) cannot be accomplished by politics is not to divorce politics from morality; it is to recognize the distinctiveness of social ethics and the limits of the political. Absent an ef-

fective international legal and political authority capable of responding to grave threats to the peace (as the UN was unable to respond in the Balkans and Rwanda, and as has been manifestly the case in the UN's record in enforcing its demands for Iraqi disarmament), it will be the responsibility of states, or coalitions of states, to prevent aggression and to respond to it when it occurs. The cause of genuine world order is not advanced by pretending that things are otherwise, or by suggesting that states willing to take up the burden of responsibility are primarily interested in world domination. A UN in which Iraq is scheduled to chair a May-June disarmament conference, a UN which elects Libya the chair of its Human Rights Commission, is a UN in desperate need of radical reform, not of protestations about its allegedly superior moral authority.

Moreover, and on a related point of moral principle, the Catholic Church has never recognized state sovereignty as absolute, and neither does international law. The Church insists on the *libertas ecclesiae*, and international human rights law makes it clear that states are not immune from scrutiny and sanction in matters relating to their internal affairs.

That U.S. policy in the Middle East has been less than entirely satisfactory over the past fifty years is obvious to everyone—including, I expect, the Bush Administration. But do those failures preclude more effective policy now? Fouad Ajami, in a brilliant essay in the January/February 2003 *Foreign Affairs*, suggests not—and surely the prudential judgment of this distinguished scholar of the Arab world, of which he is a native, carries a certain weight of credibility. Are those past failures a moral impediment to the use of armed force against an aggressor state now? In that case Stanley Baldwin's and Neville Chamberlain's misreadings of Hitler should have rendered Winston Churchill's leadership morally suspect.

Very little clarity, moral or other-

wise, is gained by the habit into which many have fallen in recent months, namely, of referring to the use of armed force against the Iraqi regime as a preventive war, or an act of preemption. As indicated above, the conflict with Iraq dates back to the Gulf War and its aftermath: a war sanctioned by the international community and followed by explicit requirements for disarmament, also sanctioned by the international community. The use of armed force against Iraq, to give effect to those requirements when other means have quite clearly failed, is an act within that continuum of events, and cannot be properly described as a preventive war or an act of preemption—terms which seem to imply that the continuum does not exist or is of no relevance to moral analysis and prudential judgment.

Finally, a word about the public statements of officials of the Holy See. The Pope speaks, as all popes speak, in a number of registers: magisterial, doctrinal-theological, pastoral, prophetic. To conflate those several papal voices into equivalent acts of the papal magisterium with equally binding authority on the consciences of Catholics is to make an elementary mistake in ecclesiology. The Pope doesn't make that mistake, and neither should those attempting to parse his statements as authoritative and binding magisterial support for their own prudential judgments about the appropriate response to the Saddam Hussein regime. Neither is it appropriate to suggest that the prudential judgments of lower officials of the Holy See (about, for example, the likely effect in Middle East politics of a U.S.-led armed intervention in Iraq to enforce its disarmament) constitute an exercise of the papal magisterium. Such statements are to be carefully considered as the prudential judgments of experienced churchmen. They are not more than that, and they cannot be more than that. As for those statements by officials of the Holy See that

touch on questions of applying moral principle to immediate circumstances, they too are to be respectfully heard and considered in light of the *Catechism's* teaching, referenced above, on where the charism of responsibility finally rests.

To suggest, as some correspondents do, that to propose different understandings of the prudential circumstances, or different applications of the agreed-upon principles, constitutes an act of dissent is to engage in polemics, not theology. War is a terrible thing; as John Courtney Murray was wont to note, the just war tradition tries to bring reason to bear on a human activity, war, that always contains elements of the irrational—and that is, as the Pope has noted, a defeat for the forces of reason in human affairs. But there are moments when moral duty requires the use of proportionate and discriminate armed force to redress injustice, defend freedom, prevent the forces of unreason from having unfettered sway in international public life—and thereby serve the cause of peace. That duty falls on particular states at particular moments in history. It is not hubris, but Christian realism reading the signs of the times, to recognize that the United States bears a particular weight of responsibility for advancing the cause of a world no longer in thrall to forces that deliberately undermine the minimum conditions of world order.

That our nation has conducted its debate about the war against terrorism in explicitly just war categories tells us something encouraging about the people and culture of the United States. That so many religious leaders have forgotten key elements of the just war tradition, and misconceived their own role in the public debate, points out yet another arena in which the Church is in need of authentic and deep-reaching reform.

The Responsible Self

John E. Coons offers "A Grammar of the Self" (January) in response to a

perceived challenge to traditional conceptions of the "self" by the materialist "Rad-cons," and, moreover, to make his case intelligible to all parties, he argues for a common language within which the contending parties may discuss the issues. To say that Professor Coons' project is ambitious is an understatement.

Alasdair MacIntyre's *After Virtue* addresses both issues in depth, and offers an analysis of the Enlightenment's failure to provide an enduring rational basis for ethics. With the concession that *After Virtue* is a book, not an article, I find MacIntyre's analysis, as well as his prescription for repair, more persuasive and less strained than that offered by Prof. Coons.

Prof. Coons constructs an analysis based upon the relation between a "First Good" and "Second Goods." The First Good is the individual's inchoate capacity to will to exercise the will in pursuit of specific goods (Second Goods), in other words, a personal commitment to submit to a rational ethical calculus. Prof. Coons' analysis presumes an ethical universe that we can know personally and in the abstract and that has personal relevance for the individual. Prof. Coons indulges these presumptions further when he invokes the "call of responsibility" as the "ground of self."

Prof. Coons thus defines the self as the capacity of a personal will to respond to the "call of responsibility." This analysis is an echo of the pagan description of the self: "Sin is ignorance, and to know the good is to do the good." The interval between the knowing and the doing is connected by the mystical concept of the "will," which is motivated by the equally mystical concept of the "call of responsibility."

Kierkegaard, a more insightful existential phenomenologist than Prof. Coons, acknowledged the interval between the knowing and the doing, and concluded that the human will is gripped in a subjectivity not

amenable to objective analysis, and therefore concluded that "truth is subjectivity." Unlike Prof. Coons, Kierkegaard also did not presume an ethical awareness, and therefore placed emphasis on the initial Either/Or—either one chooses to experience the world in ethical terms or one does not, the consequence of failure at this point being existential despair. Kierkegaard placed this initial choice within the realm of human freedom, while Prof. Coons casts it as an unavoidable, enduring obligation (thereby avoiding the vagaries and mysteries of human freedom).

Prof. Coons merely bypasses the watershed of the primordial Either/Or and assumes all people have an ethical awareness: "The specific act that self-perfects—that secures the First Good—is the choice of the Second Good as the reason for specific behavior." This assertion is a tautology and presumes an ethical awareness. Or, alternatively, there is no "self" until one makes this choice: "Note that the capacity of the self does not will the performance of specific behaviors. What it wills is a subordination to (or defiance of) one's sovereign obligation to seek and attempt the Second Good." This assertion presupposes not only the awareness of an ethical universe (Second Goods), but also that such an ethical universe has valid claims upon the individual. Neither of these presuppositions is self-evident. This is not Kierkegaard's argument, for obvious reasons, for until one apprehends "one's sovereign obligation," the "Second Goods" may not appear as good at all, nor may anything in the world appear as a "good," for the initial distinction between good and evil has yet to enter into an individual existence with any personal relevance.

MacIntyre disputes both the inevitability of the ethical Either/Or (and, by implication, Prof. Coons' very definition of a "self," the "sovereign obligation"), and Kierkegaard's assumption that an individual in the grip of the apprehension would ei-

ther prefer or choose the good (thus, MacIntyre would grant that an authentic self could choose to be a "Rad-con," something that Kierkegaard and Prof. Coons would not grant). MacIntyre calls Kierkegaard's leap into the ethical (and Prof. Coons' assumption of a "sovereign obligation") a "criterionless choice," a choice for which there is no good reason. There has been much debate about this characterization of Kierkegaard as an irrationalist, but Kierkegaard's position (a position required by the failings of Kant, as aptly pointed out by Prof. Coons), even if irrational, seems preferable to Prof. Coons' mystical approach, which requires an individual to apprehend the demands and personal claims of an ethical life before one even apprehends the world in ethical terms (or, in Prof. Coons' terms, one must be a "self" before one makes the decision to be a "self").

Prof. Coons further asserts that "what is quite impossible to imagine is the self *inviting* itself." By this sentence he contradicts the one Christian doctrine that may be empirically verified: the Fall of Man and original sin. Moreover, Prof. Coons' remarkable assertion raises the question of whether he has ever read Nietzsche, who wrote hundreds of pages asserting not only that a self may invite itself, but that it must, and in doing so must also write the terms of the invitation.

But Prof. Coons ignores Nietzsche, who apprehended the primordial choice (the invitation responsibility), but responded that, once the choice is apprehended, human reason provides no useful guidance to distinguish between good and evil (in other words, Prof. Coons' Second Goods are essentially just arbitrary preferences, and hence the First Good is nothing more than a seductive illusion, for it provides nothing of any value or relevance; one is, in the end, merely thrown upon one's own devices). Thus, following Nietzsche, one can view the Rad-cons, not

as sprouting from the supposedly rational behavioral or experimental sciences, as Prof. Coons does, but rather as disciples of Nietzsche who merely employ the language of "science" to express this underlying philosophical position.

MacIntyre sees Nietzsche as the primary challenge to Kant and the failings of an ethics based upon human reason, and brings forth Aristotle in response. Prof. Coons stands in opposition to Aristotle, claiming rather alarmingly that we may "eliminate the relevance of human memory to our question," and "the responsible self requires no memory at all beyond its recognition of the imperative to seek the content of correct conduct (the Second Good)." At this point, Prof. Coons is attempting to outflank the Rad-cons by eviscerating their conception of the "self" as merely the memories of an organism as it travels through life. He assumes that a narrativeless, disconnected individual could apprehend or take an interest in "Second Goods." Again, he manufactures a "self" out of nothing (Sartre would be proud). But this conclusion is inevitable given Prof. Coons' earlier assumption that each individual fully apprehends the "sovereign obligation" (that is, the primordial Either/Or) and has a nicely developed human will that employs sweet reason to connect that will with desirable goods.

So, as I understand Prof. Coons, we may dispense with culture, tradition, and family, and merely invent ourselves in any given circumstance, fueled by the First Good which in turn is rationalized by the self-evident rosy prospects of Second Goods. This sounds very much like watered-down paganism (one decides to do good because the good is obvious and anything that is "good" is also desirable to the will), decorated with language derived from the Greeks, Augustine, Aquinas, and Kant. This analysis ignores three obvious hindrances: 1) the fact that the "good" is not always immediately obvious or

profitable; 2) the distortion of human will and reason by sin; and 3) the enduring attraction of evil.

Both MacIntyre and Kierkegaard emphasize the importance of memory, both cultural and familial. Kierkegaard invokes the concept of repentance as crucial to taking ownership of one's self. For Kierkegaard, repentance is more than acknowledgement of one's past, of merely saying "I'm sorry for what I did and I won't do it again"; rather, it is taking full ownership of one's past, which includes certain necessities for which one may not be responsible, including one's parents, family, geography, culture, nation, and time. Contrary to Prof. Coons, Kierkegaard (and, I assume, MacIntyre) does not believe that an amnesiac can be a fully functioning ethical being.

Even worse (at least for a Christian), Prof. Coons asserts that "the self is that power . . . to commit freely to seek and . . . attempt whatever would be truly right under the circumstances. It is in the exercise of this option to seek that each of us realizes or forfeits his or her own self-perfection (First Good)." Prof. Coons assumes that, once we know what is "truly right under the circumstances," we have the "power" to commit to do it. (Do I hear St. Paul rolling in his grave?) Socrates, like any pagan, could not have said it any better. But, of course, we do not have such power, nor do we know very often what is "truly right under the circumstances," and hence Christianity provides a much better description of personal reality than that offered by Prof. Coons. In his universe, both revelation and the grace of God are unnecessary.

Prof. Coons has undertaken an Olympian project. On the one hand, he has to deal with Kierkegaard, Nietzsche, and MacIntyre in explicating either the desirability of or the necessity for an Either/Or (his First Good, the "sovereign obligation" to seek Second Goods). In other words, he must make the case (beyond mere assertion) for an ethical universe sub-

ject to rational apprehension, the proposition that such an ethical universe has either abstract or personal authority, and that it has claims upon and personal relevance for any specific individual. Until he successfully negotiates that project, he has no useful definition of a “self,” since he defines the “self” as a will in relation to the ethical. And until he has a useful definition of a “self,” he has nothing to say in response to the perceived challenge posed by the Rad-cons, who are nothing more than Nietzscheans in modern dress, and who have already answered all of these questions in ways quite different from Prof. Coons.

Mark T. Dykstra
Sarasota, Florida

John E. Coons offers a congenial analysis and resolution of the often-vexing modern and postmodern commentary regarding selfhood. One yearns to embrace his view. But I wonder if Professor Coons does not in fact beg the central issue, viz., the status (veracity) of what for him is the primordial experience—“responsibility” (or “invitation”).

The status of commonsense experience is perhaps the fundamental question of our era. On this matter Prof. Coons appears more dogmatic than reasonable. Granted, he logically dismantles the reductionist accounts of the experience of responsibility offered by positivism and behaviorism. But this service falls short of establishing the veracity and authority of that experience. What is lacking is a positive demonstration, or argument. One wonders whether, to remedy this omission, Prof. Coons endorses the following statement: any attempt to question the authority of common sense (specifically, the experience of responsibility) is itself an act of responsibility; hence, any denial that the self is at heart the experience of responsibility is an instance of performative contradiction; and, therefore, the self stands as Prof. Coons describes it. If not,

what alternative does he offer for his foundation?

Jon M. Fennell
Naperville, Illinois

John E. Coons replies:

Out of the generous shower of criticisms offered us by Mr. Dykstra I am able to decode at least one, and I rush to embrace its implication. I refer to his unfavorable comparison of my little essay to the classics of Kierkegaard, Nietzsche, and MacIntyre. That my critic would perceive the need to distance me from such company is truly encouraging. I must write more.

Mr. Dykstra also gets my full attention with his colorful observations that I discount Aristotle, St. Paul, and Christian revelation; that I am simultaneously mystical and pagan; and—worst of all—that I appear ignorant of his favorite authors. This last charge the readers of FIRST THINGS may appraise from a glance at the extended treatment given each and all of these luminaries in my *By Nature Equal* (with Patrick Brennan, Princeton University Press, 1999). That book sought to identify the premises that would be necessary to the belief in a factual (ontological) human equality; the recent FIRST THINGS essay, to which Mr. Dykstra responds, drew the implications that belief in such an equality entails for the idea of the self.

I happily concede that some among Mr. Dykstra’s particular heroes might find my versions of the self exotic, possibly original—possibly wrong. The great Kierkegaard who, in his existentialist way, intuited the reality of equality, could have used the idea and only barely missed it; Kant saw and admired equality’s shadow but preferred to infer the real thing from a premise of the self that was much less concrete than the experience of responsibility. And Nietzsche and MacIntyre had other fish to fry. The former despised the notion of a possible equality, hence denied the premise about responsibility that would be necessary to selves that could be

equal. MacIntyre, who (in my terms) is a moral “gnostic” (and a most noble mind), could not embrace descriptive equality without abandoning his Aristotelian standard for the self’s perfection; goodness to him requires right answers, and some of us are more ignorant of these than are others—thus unequal. So, we disagree. Splendid.

I do worry that, out of justice to Mr. Dykstra, I should painstakingly address each and every assertion of his that I can understand, arguing my case bit by bit until the cows come home. These would be few enough (the assertions, not the cows). Still, I sense that our misunderstanding is so fundamental that, out of consideration for all the Mr. Dykstras that I may have afflicted, I should, instead, attempt a snappy précis of the central idea, and then move on to Mr. Fennell. The latter has artfully highlighted a significant point left rather hazy in my essay. If this proposed summary fails to heal the confusion, mea culpa (and I will try to answer e-mail).

“Grammar” had two objectives: 1) to suggest a common vocabulary that could simplify and clarify the formulation of the many competing and confusing claims for and against the reality of the human self; 2) to employ that vocabulary to proffer my own version of the self.

I identified specific (and certainly contestable) assumptions. Prominent among them were the following four: rational humans experience a responsibility freely to seek true ideas and right conduct; these truths and proper behaviors are real whether or not we come to believe in them; all of us have the same capacity to commit to this search; but, finally, in various ways and degrees we are fallible in our most earnest judgments.

My proposed vocabulary begins with a simple trivium—person, self, and persona—each term distinguishing a putative reality of our created nature. “Person” is my preferred term for the whole of the human individual; “self” and “persona” are distinct capacities by which the person is

able freely to pursue (or avoid) two discrete but related forms of human good that I prefer to call "First" and "Second."

The First Good is the perfection that is specific to the self and achievable in and through its own free and unique activity; it is, in Aristotelian or Thomistic terms, a final good of the person. By contrast, the Second Good is literally every other form of human good—knowledge, friendship, health, justice, etc.—all of them elusive, contingent, and perishable, however hard we strive to discover and nourish them. I adopt the term *persona* to identify the cluster of means available to any person to carry on the quest for the Second Good—one's health, wealth, intelligence, relationships. The *persona* constitutes the instrument that is available to seek, maybe to discover, and possibly even to execute the deed that would be correct in the specific circumstance; it is the diverse set of tools on hand to conduct the mission that is commanded by the self.

"Self," by contrast, is simple. It is the discrete capacity of the whole person freely to commit all these contingent resources of the *persona* to the search. In conceptualizing that capacity I began with the important premise already noted that each of us is conscious of a responsibility freely to submit to the authority of the Second Good. This act of submission (or commitment) is the self's vocation, one which it discharges completely by animating whatever powers—weak or efficient—constitute the individual *persona*. The self orders, but does not conduct, the search; it sets the mission. And it is this setting of the mission that works the self's perfection. The actual outcome of the *persona*'s hunt for the Second Good is highly relevant to the interests of the world we are to serve, but it does not affect the self. The sole question about anybody's First Good is whether he or she is striving to be responsible by activating whatever instruments

happen to be lodged in the tool chest of his *persona*.

A homely example: the baby cries at 2:00 A.M. The father commits (or does not) to deploy the resources of his *persona* to determine who should take this turn; these resources then produce a judgment, and he acts accordingly. I emphasize that his submission to responsibility was complete before the process of judgment began, for submission is a function distinct from the search for specific correct conduct. That final selection is a task of casuistry to be undertaken according to whatever honest insight is generated by the *persona* under the circumstances of this case (including the intellectual limits of that *persona*). But it is exactly in the prior commitment of the self as it sets the *persona* to its task that the father is responsible and self-perfecting. Of course, he can, instead, duck the responsibility; the self can leave the *persona* wholly unengaged or even turn it to some end other than duty. And, that decision would work the corruption of the self, even if it should be truly correct for the mother to take this turn.

To the materialist (my "Rad-con") this sort of analytic structuring of moral life is nonsense, but I hoped that he might find it useful nonsense. For the vocabulary gives him a keener instrument for saying what he means. To wit, there is in fact no such thing as the self but only the contingent flesh that is our particular body. Nor, then (it would follow), could there be a First Good or, indeed, any other except for our individual and collective preferences neurologically determined. Each of us is nothing but a particular, constantly mutating, *persona* of powers, much like a computer with no free intelligence in its nature to commit its capacities to any particular end.

At the same time this vocabulary—consisting of the trivium, the two distinct goods, and the experience of responsibility—helps others who may be more open-minded about the self;

it encourages them too to identify and then to debate more intelligibly their agreements and differences. Prominent among these thinkers are certain Christians who are concerned about the relevance, if any, of "good intentions" for our hope of salvation. Aquinas is one; crudely put (and in my terms), he concludes that the perfection of the self requires the *persona* to come up with correct answers in its search for Second Goods. Answering our specific questions about self-perfection, he concludes that one's good intentions (what I call commitment or "obtension") are not enough. If it should be truly correct, in my example, for the father to take this particular turn with the baby—but he concludes otherwise—his prior and basic commitment to seek the Second Good will fail to enhance his self-perfection. His erroneous judgment of the particular case, however honest, stands in the way. I call this view "gnostic," because it puts such weight on correct ideas, disfavoring every generous bungler who mistakenly fights in an unjust war or marries four wives in order to serve Allah.

On the other hand, St. Alphonsus Liguori (that prodigy, a saintly lawyer) holds our moral duffer to be perfected by doing the best he can—or as the medieval opponents of Thomas had it, by "doing what is in him." I suspect that there is a deep issue lurking here regarding the freedom of the *persona* by itself to inquire and to act; insofar as we are invincibly ignorant, we are unfree even to discover the correct way, much less to attempt it. It is the self, by contrast, that is more evidently free in its option to commit to or reject the search; hence the self is, for me, the more obvious locus of ultimate responsibility. In any case, were we all to share the argot of the trivium and the two goods, it would help us to see and to discuss this issue.

But, of course, my objective is more than the marketing of a heuristic vocabulary. I happen to share Liguori's view and—because of its benign ef-

fects—had hoped to offer reasons for others to believe in the kind of self that I think it implies. If I am perfected and then saved by doing the best I can with whatever persona and grace God has supplied me, this would not be trivial news. As noted, it is the premise necessary to the claim that we are all created equal. If all in fact experience responsibility and can commit and strive, all may have the same access to a God who wills their enthusiastic RSVPs to his loving invitation. Even the amnesiac suffers no disadvantage; along with the rest of us he recognizes his vocation to seek, and that is all he needs in order to be a fully moral person. His grasp of responsibility empowers him to pronounce the yes or no that is the seal of his own soul.

Have I proved this? No. And I concede that my own persona, with its puny resources, is ill-equipped to negotiate the difficult ontology that governs the inquiry. Mr. Dykstra is the conclusive evidence that I have not gotten every reader on the same page with me. But I did snag one—the sagacious Mr. Fennell of Naperville. He sees that my account of the self depends upon the reality of the personal experience of responsibility. If that experience comes to every rational human as an aspect of our nature, a lot more follows than could ever follow from the *cogito* of Descartes. To be cute: *debeo ergo sum*—I owe therefore I am. Maybe Hume was right; you can't get ought from is. But if ought turns out to be an experienced reality, we should accept this fact and draw whatever inferences are entailed.

Mr. Fennell, however, says that I did not prove the experience of responsibility; and he is not only precise—he is right. More, he is generous and shares an extremely clever insight that is intended, not simply to embarrass, but to help me. Consider the statement beginning “Any attempt . . .” It is an insight worthy of Bernard Lonergan, who loved to pin this particular tail on the skeptical donkey. Mr. Fennell says simply that, in denying my assertion about responsibility, one

necessarily commits an act of responsibility, thereby unintentionally affirming my assertion. The critic asks his question precisely because he is being responsible to truth but thereby invokes the very premise he would refute. Such intellectual behavior is a “performative contradiction; and, therefore, the self stands. . . .” I hope this insight was implied in my jabs at Hume and the Rad-cons, but at the very least I should have gotten it more into the open. Thank you.

I hope Mr. Fennell will allow me to exchange the word “reject” for his term “question.” It just might be possible to “question” the reality of the experience without contradicting it. I would also prefer to emphasize the specific act of rejection because of the strong freedom that I believe has been lodged in the self as distinguished from that which is exercised in the persona. The persona is fallible in its search for specifics and is to that extent unfree. The self *knows* responsibility and is truly free to reject it. Obviously, there is mystery in this too. If, as Socrates supposed, anyone who knows the good chooses it, here lies another and different problem of freedom, as we try to explain the very possibility of the renegade self. I incline to the view that God maintains our peculiar capacity for deliberate self-delusion as the security for the very freedom he has willed. This, by the way, is a piece of “theodicy” argued in *By Nature Equal*.

Mr. Fennell properly asks whether I have any foundation for the self other than his “performative contradiction.” And, grateful as I am to him, I must say that I am generally uneasy about making contradiction the sole proof of any positive claim. When the facts allow, I prefer to lurch into the experiential and empirical. And the particular reality that is the self seems betrayed in a thousand ways by the actors about me, by their constant practice or pretense of doing things in active and calculated response to some vocation that they experience. I find myself driven to the kind of prac-

tical “assent” for which Newman wrote the classic “Grammar.” And, though I see no slam-dunk argument, this may in the end be for the better. Our freedom may require that we rely on “convergent probabilities” that never quite force the act of belief. Our mind apprehends that tantalizing remnant of uncertainty that makes every act of commitment potentially costly, thereby providing opportunity for the love that is the signature of responsible being.

In Defense of Analytical Philosophy

Matthew F. Rose's review essay on Colin McGinn's intellectual autobiography is marred by a number of claims about “analytical philosophy” that are misleading, ill-informed, and offensive (“The Disconsolate Philosopher,” January). Chroniclers of the movement caution that analytical philosophy is not best identified with any specific doctrine or issue. However, Mr. Rose thinks that “the basic . . . analytical question” is whether the world's ordering is just in our minds, ideal rather than real. To be sure, many analytical philosophers, like most philosophers since Kant, have treated this question. Still, it is worth noting that G. E. Moore, usually regarded as one of the founders of the analytical movement, devoted several major essays to arguing against idealism, not for it.

Mr. Rose sometimes talks as if we would do better not to argue or even entertain such questions, which he thinks “simply could not have occurred” to early Christians (what does Mr. Rose make, one wonders, of the philosophical skepticism that enthralled the young Augustine?), but, more sensibly if not consistently, he also endorses what he calls the “‘Let's-Not-Be-Crazy’ objection” to idealism. To be sure, that last is good advice, but why think the early analysts disagreed?

Similarly, Mr. Rose imagines that analytical philosophers “belie[ve]

that ideas do not . . . really exist, at least [not as we] . . . think." Again, some analytical philosophers did deny ideas' existence. (Think of mid-twentieth-century reductionist behaviorists and late-century eliminative materialists.) Nevertheless, most analytical philosophers were roughly within the empiricist camp (W. V. O. Quine's criticism of what he called empiricist "dogmas" were meant to reform the movement, not repudiate it), and if we call the contents of experience "ideas" (as many still do), it makes little sense to endorse empiricism while disowning ideas.

Mr. Rose's own claims could profit from analytical rigor. He claims, for example, that, *pace* the analytical philosophers, to be meaningful language needs to be "intrinsically christic, . . . liturgical, and doxological." Maybe he can make good on these *aperçus*; maybe he can even understand them. To explain them to the rest of us, though, he'll need the clear exposition, rigorous argument (sometimes including technical logic and syntax), narrow focus, and commitment to accuracy over edification that many take as largely definitive of the analytical philosophy Mr. Rose decries.

Mr. Rose would like the test of a philosophical position to be "how it gets about. . . . Does it give you a reason to get out of bed? Can you take it places?" He thinks this follows from the truism that philosophy is made for humans, and it seems to be on that basis that he sneers that it takes "alchemy" to make "the stuff of logic and linguistics into an intellectual life well lived." However, as the subtlest medieval philosopher-theologians knew, understanding often requires narrow inquiries, some measure of patience with the unexciting, and emotional detachment. The "legs" a philosophical "idea" chiefly needs are not those Mr. Rose envisages but the ability to remain "standing" under careful dissection of its clearest formulations and logical argumentation. Those, of course, are the quali-

ties and techniques best developed and most valued within the philosophy that proceeds by logical and linguistic analysis.

That philosophy is made for (and by) people no more yields Mr. Rose's folksy, homespun criteria for the eligibility of philosophical beliefs than does the fact that it is people who make calculus or organic chemistry show that we should form our beliefs in those fields by seeing what "places" we can "take" their hypotheses. There is more to (intellectual) life than logic and linguistics, of course, as there is more than chemistry and calculus, and more than Patristics and divinity school. That hardly shows that a career devoted chiefly to one or another of these can only be part of an intellectual life ill lived.

Mr. Rose condescendingly allows that the analytical philosophy of religion developed by Alvin Plantinga, Richard Swinburne, and others associated with the Society of Christian Philosophers "has won them praise in many quarters." He prefers the narrative theology of Hans Frei and George Lindbeck. I'll leave it for others to judge the merit of these theological developments. What is obvious is that they are not competitors with analytical philosophy, not even with analytical philosophy of religion. Moreover, this is not a zero-sum game, where valuing the theologians requires disparaging the philosophers. Christian analytical philosophers are scorned by the obtuse for their abstruseness and abstraction, derided for their technical vocabulary, and accused of "scholasticism." While ignorant and unjust, such charges are, in a way, fitting. For the same complaints were (and still are) leveled at all the great thinkers, not just ancient and modern, but also those in between.

Some of my friends and colleagues find insight in recent writers who have eschewed the analytic philosophers' commitments. On rare occasions, I have glimpsed insights there as well, especially in Emmanuel Lev-

inas and Edmund Husserl. Those facts notwithstanding, it is only a slight exaggeration to say that—construing "analytical philosophy" broadly, as demarcated by its clarity, rigor, and willingness dispassionately to elaborate dry and even technical analyses and arguments—all the best philosophical writing of the century just ended could be considered "analytical." In logic and language, yes, but also on God and religious faith, and, significantly, including Jacques Maritain's and Ralph McInerny's most important work on Aquinas, Alexius Meinong's and Max Scheler's on value and emotion, K. Anthony Appiah's on race and racism, and much else. Your readers are ill served if Mr. Rose leads them to ignore this work and, perhaps worse, to expect things to be different in the century just begun.

J. L. A. Garcia

Cambridge, Massachusetts

Matthew F. Rose replies:

My concern, as any attentive reading of my review essay would reveal, was not with analytical philosophy *simpliciter*, but as it shaped and, I believe, distorted Colin McGinn's intellectual career through philosophy of language and mind. I faulted Mr. McGinn not for being an analyst, but instead for what I believed to be a lack of proportion and humanness in a philosophical life, and for the high-handedness and insularity that can follow from an unbalanced philosophical mind. I am grateful to Professor Garcia for helping to alert us again to these dangers.

Vastly more important than Prof. Garcia's defense of the analytical tradition (much of which I find unobjectionable) is his ridiculing as "folksy" my suggestion that Christians, as a general rule, should affirm the findings of philosophy as much as is in keeping with the basic claims and practices of Christology and doxology. My interpretation was guided by the "rule of charity" crafted by early exegetes such as Origen and Augustine: an interpretation of any text or

philosophy that cannot lend itself to the increase of love of God and neighbor is not a true one. It is the same rule that guided Cyril in his treatment of Plato, Ambrose with Seneca, Ricci with Confucius, and will continue to serve Christians in the century to come, long after Prof. Garcia has digested Appiah's lessons on race.

That this loose, indeed gracious, philosophical rule should be so deeply unfashionable and controversial to Prof. Garcia speaks volumes, in my opinion, about the misguided nature of much contemporary Christian philosophy and apologetic. Does Prof. Garcia mean to suggest that Christian reflection must first meet non-Christian epistemological criteria before it can undertake its task? Must theology first win permission from secular standards of what counts as reasonable? (If so, I fear Prof. Garcia must be counted among the "cultured despisers.") The trinitarian and ecclesial criterion of truth that Prof. Garcia mocks as "homespun" is nothing more than the belief that for Christians all metaphysical validation depends, in the end, on the redemption of our humanity in the community which proclaims Christ as Lord. As Augustine wrote of Christ and his Church in one of his greatest "analytical" flourishes: "I am in all languages. Greek is mine, Syrian is mine, the languages of all people are mine; for I am the unity of all peoples."

An Unfair Review?

Joshua Mitchell's disparaging review of Michael Zuckert's fine book *Launching Liberalism: On Lockean Political Philosophy* (January) does a serious disservice to readers of FIRST THINGS. Professor Mitchell arbitrarily dismisses the possibility that Zuckert can uncover "a single, unified Lockean political philosophy," on the ground that "most scholars remain unconvinced" by the claim. Similarly, he rejects Zuckert's demonstration of the fundamental opposition between Locke's teaching and the biblical one

because "most scholars now believe that Locke was a nominal Christian of some sort." To refute a book like Zuckert's, which sets out in part to challenge a scholarly "consensus," it hardly suffices to cite the mere fact of that consensus.

Nor might the unwitting reader of Prof. Mitchell's review realize that Zuckert responds (in his closely reasoned essay on "Locke and the Problem of Civil Religion") to Mitchell's query of "why else" if he were not a believing Christian Locke would devote his last years to composing such books as *The Reasonableness of Christianity* and *Paraphrase and Notes on the Epistles of St. Paul*. As Zuckert explains, Locke endeavors in these works to reinterpret Christianity so as to harmonize it with his liberal teaching, albeit at the cost (Zuckert argues) of ultimately undermining the religious attitude itself. Nor, finally, does Zuckert's suggestion of the absurdity of Locke's representing the otherwise obscure Sir Robert Filmer's patriarchy as the only alternative to consent-based government indicate "baffle[ment]" on Zuckert's part. Locke himself initially disparages Filmer's book, and (as Zuckert demonstrates) under the guise of refuting Filmer in fact takes on the far meatier (but riskier) enterprise of challenging the biblical understanding of humanity.

Whether Zuckert's argument is correct or not, it behooves a reviewer to engage the argument rather than dismiss it on the basis of his own premises or a supposed scholarly consensus. Needless to say, Prof. Mitchell offers no evidence to support his claim that Locke—whose library itself attests to his broad learning in classical and modern philosophy—"assumed that . . . the biblical historical horizon was the only justifiable point of departure for reflection on matters political." Ultimately, Prof. Mitchell takes Locke no more seriously than he does Zuckert, preferring to confine him within a "range of categories and understandings" that only a modern scholar like

Mitchell (rather than Locke himself) is capable of grasping.

Nor would one ever realize from Prof. Mitchell's account that Locke himself calls attention (e.g., in his *First Treatise*) to the need to "sweeten" a harsh political teaching so as to accommodate the prejudices of vulgar readers. In other words, the notion that Locke might have veiled the extent of his unbelief is hardly an invention of "Straussians." But for Prof. Mitchell there's no reason to believe that Locke "rejected and subverted" Christianity in a surreptitious manner because he never "deign[ed] to announce it"—which would seem to mean (contrary to his own acknowledgment that the fact of esoteric writing by some political thinkers "is beyond question") that there is never a ground for attributing an esoteric teaching to *any* writer. (Why write esoterically if one is obliged openly to "announce" the point of one's esotericism?)

Launching Liberalism is a major contribution to the understanding of Locke and of the foundations of liberal modernity. Those who care about such matters should read it for themselves rather than rely on Prof. Mitchell's unfortunate caricature of it.

David Schaefer
Professor of Political Science
Holy Cross College
Worcester, Massachusetts

Joshua Mitchell's review of Michael Zuckert's recent collection of essays devoted to John Locke, *Launching Liberalism: On Lockean Political Philosophy*, in my judgment unfortunately failed to do even minimal justice to this fine book and its author. In a long (by FIRST THINGS' standards) review, we are not nearly adequately told the full contents, the main themes and theses, much less the main evidence and arguments, of Zuckert's work. Instead we are presented a straw-man Straussian, a willful (mis)reader of Locke, who pigeonholes Locke into a preformed set of grandiose (and highly dubious) generalities concern-

ing Judaism, Christianity, modernity, and philosophers. In order to render some justice to Zuckert and for the sake of the curious reader who otherwise might miss out on an intellectual treat, let me report a few relevant facts that Professor Mitchell's review omitted.

Zuckert has been working on Locke and liberalism for well over twenty-five years. He has produced a wide-ranging, but remarkably focused and impressive body of work dealing with these matters, including two previous well-received books, *Natural Rights and the New Republicanism* (1994) and *The Natural Rights Republic* (1996). His recent book takes its place within this corpus and expressly refers to it. At the service of this scholarship, he deploys remarkable philosophical, and as need be theological, learning, sensitivity, and acumen.

In this work, the issue of "Lockean hermeneutics" has been a central concern. Part One of *Launching Liberalism*, for example, examines Locke's own discussions of kinds of "discourse" and ways of "writing," and a wide range of Locke scholarship, both within and especially without "the Straussian fold," dealing with these issues. He takes both Locke and those who purport to expound him with genuine intellectual seriousness. He comes, at the very least, to reasoned conclusions carefully drawn and put, which to my knowledge have yet to be refuted, least of all by Prof. Mitchell. Reading Prof. Mitchell's review, one would have no idea of just how scrupulous Zuckert is in his scholarship. From Prof. Mitchell, we never receive even a hint of the ample and varied evidence Zuckert points to and the careful inferences he makes to come to his conclusion (not "presupposition," as Mitchell would have it) that Locke wrote in a manner to conceal somewhat his deepest and fullest thought.

Locke, it is admitted on all sides, concerned himself mightily with (in the Spinozistic formulation) the "theological-political" problem, the

great question of whether biblical faith or philosophical reason should ultimately guide men's common (and individual) lives. Now Zuckert, in addition to writing on, and as a means to understanding, Locke's scriptural exegesis (of both Hebrew Scripture and the New Testament), has written extensively on Protestant scriptural politics. In his two earlier books, Zuckert carefully surveyed a great range of Protestant theological-political thinkers, from the patriarchs Luther and Calvin on the Continent to John Milton and others in England, from American Puritans to their eighteenth-century successors, the New England divines. It is simply wrong to maintain that Zuckert has generic, undifferentiated notions of the relevant Scriptures and scriptural religions, or to imply that he is ignorant of their traditional, authoritative interpreters (and the latter's conflicts). Part Two of *Launching Liberalism* represents, admittedly inadequately, these extensive researches with three entries, one devoted to "Locke and the Old Testament," another to "Locke on Christianity," and, given Catholicism's relatively greater reliance on reason and natural norms in establishing political fundamentals, another to "Aquinas, Hobbes, and Locke on Natural Rights."

The last confrontation takes us to the core of Zuckert's Locke-interpretation. Zuckert's Locke is a modern natural rights thinker. As such he broke, wittingly, with the premodern scriptural and Aristotelian traditions, as well as Reform theology, and he followed in the footsteps of Descartes and Hobbes. This was Leo Strauss' view, but it is held by others (including informed readers in Locke's own day) and is not uniquely "Straussian."

What distinguishes Zuckert's Locke is how thoroughly he thought through Cartesian-Hobbesian epistemological and anthropological principles to come to a view of man as *self-owner*. Modern reason does not, and cannot, find evidence in nature and history to credit the biblical account

of God's providential care for humankind. Left on his own in an indifferent, hostile universe, Zuckert's Locke thought through the character of that strange, bereft being, man. Because of his admittedly mysterious capacity of "self-consciousness," he "owns" himself—after all, one's thoughts and volitions, one's pleasures and pains, and hopes and fears, are "one's own"—and he has the ability, and hence the responsibility, to "create" himself, to adopt rational goals and appropriate means, and to pursue them in tandem with others or by himself. Of this central Lockean teaching and Zuckert's meticulous and illuminating discussions of it, we hear not one word from Prof. Mitchell. Since it is the single most important philosophical, political, and theological position and argument pursued in Zuckert's book, it is a scandal not to have it brought to the reader's consideration.

Paul Seaton
Fordham University
Bronx, New York

Joshua Mitchell replies:

I repeat what I said in my review: "*Launching Liberalism* is unlikely to convince any who are not persuaded by the suppositions on which Zuckert bases his analysis." I can only thank Professor Schaefer and Mr. Seaton for making the point more forcefully than I, an outsider to the Straussian world, could have possibly made without their assistance.

A word, first, about what my review intended to accomplish and to whom it was addressed. Readers of *FIRST THINGS* are less interested in arcane debates within the field of political philosophy than *We Scholars* (Nietzsche's phrase) are. For such arcane debates we have any number of widely read journals. *FT* is a different sort of venue, whose readers are interested in broad issues of belief, citizenship, and the public forum within which such issues can be considered. The first task of a reviewer in such a venue, I assume, is to establish the in-

tellectual tradition to which the book under consideration is indebted, assess its strengths and drawbacks, and indicate to what it is responding, etc. Since Michael Zuckert himself sought to defend—indeed, to revitalize—a trajectory of thought that has emerged out of the teaching and writing of Leo Strauss, it seemed fitting to provide readers of FT with a candid assessment of that tradition, of the historical problem it sought to address, and of the respect in which Zuckert's project accords with that tradition.

My criticism of *Launching Liberalism* stems from what I take to be a grave error, largely endemic to the Straussian tradition, though in varying degrees, but certainly central to Zuckert's book, viz., that of not only trying to avert the peril of historicism by recourse to authorial intent, but by asserting that authorial intent can be known through an esoteric reading of the canonical writer in question, in this case, Locke. Such an assertion, I claimed, presupposes the existence of such unities as "Christianity," "Judaism," etc., on the basis of which the locutional asymmetries between the author's writings about these supposed unities and the essence of these unities themselves purport to provide the key to deciphering the author's intention. My critics are in a roil about my treatment of *Launching Liberalism*, but take away their indignation and ask whether they have in any way addressed the central claim of my review. About this they have nothing to say. And they have nothing to say because they, too, share the presuppositions of which I am dubious.

There are other ways to address the dilemmas posed by historicism; and I am in an odd position criticizing Zuckert, and even my critics, when in many respects I share their dubiety about where we find ourselves at the beginning of the twenty-first century. But, as readers of FT will surely appreciate, I think it much more promising to attend to canonical writers with a view to understand-

ing the reality toward which their words actually point rather than involve ourselves with textual acrobatics of the sort that concern those who are interested in parsing out authorial intention. Regardless of the ethical concerns that may animate such a project, in the final analysis Straussianism becomes just another brand of postmodern "text-play" if the meaning of its most important insight—namely, the difficult relationship between text and truth—is degraded to the point where the text is all that matters.

A Note on Arthur Peacocke

Regarding the review by Edward T. Oakes of Robert Pennock's book *Intelligent Design Creationism and Its Critics: Philosophical, Theological, and Scientific Perspectives* (Briefly Noted, January), I found myself puzzled by this statement: "[I]n the reconcilers' camp, embarrassments abound, as in Arthur Peacocke's insouciant discernment of divinity in Darwinian 'process.'"

It seems to me that Peacocke's position is just such as we should expect from a science-theism "reconciler." Why it might be embarrassing or "insouciant," I can't fathom, unless Father Oakes dismisses the possibility of God's immanence and continuing creative activity in the world. That the process of change should itself be the general instrument of Divine Providence offers no threat—that I can see—to belief in a Creator God. Peacocke makes clear, in *Paths from Science to God* (2001), that he is not making a case for pantheism: "These processes are themselves God's action [and] are unraveled and revealed by the sciences: they are not themselves God . . . but are in themselves God's creative activity."

Harry Hogan
Washington, D.C.

Edward T. Oakes replies:

When facing the challenge of Darwinian naturalism, three mistakes must

be avoided. First, one should not directly challenge the fact of evolution (in the proper sense of that word, meaning "descent with modification"), since genetics has now verified the evolutionary hypothesis. For that reason, creation "science" is a total nonstarter. Second, one should not seek to refute the (admittedly improper) extrapolations of evolutionary theory in the work of such Darwinian bulldogs as Richard Dawkins and Daniel Dennett by using the same tiresome and jejune positivism they use, for then the argument descends to fossil dating or how flagella got attached to bacteria and the like. This is the mistake of the advocates of Intelligent Design. The third and final error is to challenge such shopworn positivism using a metaphysics of wishful thinking. Such is the error that the Jesuit paleontologist Pierre Teilhard de Chardin blundered into when he relied on the (largely unacknowledged) Bergsonian idea of *élan vital*. And such too, in my opinion, is the fatal weakness of the work of Arthur Peacocke. Although his theory does not seem so reliant on Bergson as does Teilhard's, the result is the same: a string of quite rapid and utterly unverifiable asseverations on the workings of some Spirit God hovering over the whole affair of evolution. (Mr. Hogan's quote from the Peacocke *oeuvre* perfectly captures the tone of this kind of rhetorical theism.)

The only way out of this problem is a proper and irrefutable metaphysics, one thoughtfully provided by St. Thomas Aquinas with his logical axiom of *posse sequitur esse*, which literally means "possibility follows being" but which can perhaps be more usefully paraphrased as "if something exists, it must be possible for it to exist." Seemingly noncontroversial, indeed tautological, the principle can refute what is false in naturalism: because *Homo sapiens* emerged from the process of evolution, the universe always had the potential, even from the first moment of the Big Bang, for bringing man forth. And with the ad-

ditional doctrine of creation (easily defensible on other grounds, since the universe can hardly account for itself), we know that God created the world both with the potential for, and with the actuality of, human life, since we are here.

Yes, there is a Providence (Mr. Hogan has no quarrel with me there). As Jesus teaches, each hair on our heads is counted, and not a sparrow falls but that God knows it. Fortunately, Our Lord did not then go on to explain how God goes about *making* hair grow or sparrows fall from the sky. For those who need to know such things, they are there to be explored—and, with the right gifts of scientific training and intelligence, even to be explained. But to eschew such exploration, or to ride piggy-

back on later scientific explanations born out of that exploratory curiosity, by claiming that a sparrow falls because God *makes* it to fall is the philosophical error called “occasionalism,” an error that in my opinion lurks behind the airy lucubrations of Teilhard de Chardin and Arthur Peacocke.

Child Abuse and Abortion

Candace C. Crandall’s overview of the failure of legalized abortion to achieve any of its goals is lucid and comprehensive (“Thirty Years of Empty Promises,” January). Although she mentions that the statistics for abuse against children who resulted from “unplanned” pregnancies are not decreasing, and she does note some social stigma being at-

tached to a woman’s history of abortion, she omits one other significant association between child abuse and abortion. It is well known that the most significant risk factor for a woman to abuse her children is for her to have been herself abused as a child. But a little further down on the list of such risk factors is for the woman to have had one or more abortions. In other words, to have had an abortion to decrease the risk for child abuse is to increase the risk for the surviving children to be abused. To desensitize mothers to violence against their children before they are born is to desensitize them to violence against their children after they are born.

Pasquale Accardo, M.D.
Richmond, Virginia

Abortion and the Constitution: An Exchange Continued

When we use a concept, do we mean to include all individual instances that come fairly within the terms of that concept? Or do we mean to include only those particulars about which we are thinking at the moment we articulate the concept? The former seems to be the view of Nathan Schlueter, for he argues (“Constitutional Persons: An Exchange on Abortion,” January) from evidence that the framers of the Fourteenth Amendment had in mind a concept of “person” encompassing all human beings to the conclusion that since unborn children are human beings, they fall rightly within the protection of that Amendment. Robert Bork seems to take the latter view, arguing that the framers of the Amendment did not specifically have in mind unborn children, so they get no protection even conceding their humanity. (The framers did not have “Robert Bork” specifically in mind either, one might point out.)

While it is possible for us to be ruled either by concepts themselves (Schlueter) or by miscellaneous particulars (Bork), the former stance founds human community on reason, the latter on arbitrary will—as Humpty Dumpty explained to Alice. The first seems to me immensely preferable, although I would agree with Judge Bork that it is better to be ruled by the historically fixed particulars envisioned by eighteenth-century framers than by the changing whims of a contemporary court.

Professor Schlueter, however, misses one strong argument that the word “person” in our Constitution is intended to encompass all human beings: our original Constitution referred even to slaves as “persons,” as in the “three-fifths of all other persons” clause found in Article I. Of course, the Constitution did so for the express purpose of singling out such persons for discrimination, under an assumption of black inferiority.

But this is precisely the point. In 1787, the word “person” was used in a way that included every human being, even slaves often thought child-like and otherwise inferior. There is no sign that the Fourteenth Amendment used “person” with anything less than the same universality as the original Constitution. Blacks are described as persons despite the fact that they were still thought inferior by many. A concept that included only “fully developed” human beings (“persons in the whole sense,” the status required for constitutional protection according to Justice Harry Blackmun in *Roe v. Wade*) would not have reached those the Amendment was meant to defend.

Richard Stith
School of Law
Valparaiso University
Valparaiso, Indiana

Nathan Schlueter’s assertion that no Justice of the Supreme Court “has at-

tempted to make, or even respond, in their opinions, to the unborn person interpretation" is simply incorrect. Justice Byron R. White, in his dissenting opinion in *Thornburgh v. American College of Obstetricians* (1986), wrote the following:

However one answers . . . the legal question whether the fetus is a "person" as that term is used in the Constitution, one must at least recognize, first, that the fetus is an entity that bears in its cells all the genetic information that characterizes a member of the species *Homo sapiens*, and distinguishes an individual member of that species from all others; and second, that there is no nonarbitrary line separating a fetus from a child, or, indeed, an adult human being.

For White, these observations led him to conclude that the abortion decision was incorrect because it deprived the fetus of his life, and no "person" can be deprived of life without due process of law.

Robert Bork is absolutely correct in classifying Harry Blackmun's opinion in *Roe v. Wade* as an example of a Justice putting his personal philosophy ahead of his duty to support the Constitution. Most scholars agree on that point. But a similar charge against Nathan Schlueter is misplaced. The Constitution does use the word "person" in both the Fifth and Fourteenth Amendments, whereas the word "abortion" never appears anywhere in the Constitution.

Judge Bork's treatment of the Fifth and Fourteenth Amendments, and his analysis of the meaning of the word "person," which word both those Amendments contain, is sophistry at best.

Bork says that because the Fifth Amendment's list of prohibitions can apply only to individuals "who have been born," the word "person" cannot then imply the unborn. That is a

non sequitur, since the word "person" is self-contained, and is not defined by the activities so listed. Moreover, the Fourteenth Amendment uses the following phrase: "All persons born or naturalized in the United States . . . are citizens of the United States and of the State wherein they reside." Certainly, any judge may conclude that that Amendment also functions to define the meaning of the word "person" in the Fifth Amendment and, unless one supposes that the Fourteenth Amendment makes personhood, birth, and citizenship simultaneous events, a judge is perfectly free to infer that the events enumerated are sequential: personhood first, birth second, and citizenship third. In the latter case, "person" would then clearly signify the unborn in both Amendments.

The third paragraph of Article VI of the Constitution demands that all federal and state judges "shall be bound by oath or affirmation to support this Constitution." Please note that there is no requirement in the oath to support the Supreme Court. Beyond cavil, the two obligations are not the same.

Conscientious and conservative judges, both state and federal, should have rebelled against the abortion decision in *Roe*. To a man, they should have refused to enforce its perfidious holding as the act of an irresponsible and runaway Supreme Court. Such a rebellion would have compromised the Court's moral authority—of course—and would have brought about the chaos of a constitutional crisis. But the oath such judges take to support the Constitution would have justified the rebellion. And, given the choice between chaos and treachery, the honorable decision is for chaos.

John Manning Regan, Sr.
Rochester, New York

In "Constitutional Persons: An Exchange on Abortion," Nathan Schlueter correctly observes that recognition of the "personhood" of

the unborn child is central to the dispute in *Roe v. Wade*.

It's curious that in refusing to recognize the unborn baby's "personhood," the United States Supreme Court, always so careful to protect our nation from "an establishment of religion," established ancient paganism (supported by medieval philosophers' ignorance of embryology) as the legally recognized foundation for American law.

The *Roe* decision was based on the primitive pre-scientific concept of biology propounded by Aristotle and accepted by St. Augustine and St. Thomas Aquinas. To these philosophers and to all ancient people, the "seed" is merely a dead "thing," an "inanimate object," until God at some point "infuses" into it a soul.

In Footnote 22 of *Roe*, Justice Harry Blackmun wrote that "Aristotle's thinking derived from his three-stage theory of life: vegetable, animal, rational. The vegetable state was reached at conception, the animal at 'animation' [quickening], and the rational soon after live birth." Blackmun then emphasized that St. Augustine "made a distinction between *embryo inanimatus*, not yet endowed with a soul, and *embryo animatus* [quickened]."

It is important to note that throughout his meandering discussion, Justice Blackmun was fixated on this concept of "quickening," the moment when a mother first feels her baby move. In fact, in his leisurely stroll through history, Blackmun mentioned "quick" or "quickening" over twenty times. So American constitutional law is based on St. Augustine's *De Origine Animae* written sixteen centuries ago.

Under post-*Roe* American law, unborn babies, having only "the suggestion of personhood," can be destroyed up to the moment of birth, just as any other inanimate "object" can be destroyed. But the Constitution does protect "persons"—such "persons" as those protected in the Court's *Sierra Club v. Morton* decision,

written just eight months prior to *Roe v. Wade*.

In the Court's *Sierra* opinion, Justice William Douglas specified who, in American law, can be considered persons:

The ordinary corporation is a 'person' for purposes of the adjudicatory process. . . . So it should be as respects valleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels the destructive pressures of modern life. . . . The problem is to make certain that the inanimate objects . . . have spokesmen before they are destroyed. . . . All forms of life will stand before the court—the pileated woodpecker as well as the coyote and bear, the lemmings as well as the trout in the streams.

Under current American constitutional law, swampland and pileated woodpeckers are "persons." Preborn human babies are not.

Joseph Collison
Pro-Life Director
Diocese of Norwich
Norwich, Connecticut

It would seem that Robert Bork is missing the point entirely regarding the Fourteenth Amendment and the language of the Constitution. The Fourteenth Amendment does not mention blacks or Negroes, yet it was ratified explicitly to redress a grievance against them. According to Judge Bork, were these blacks then nonpersons according to the law prior to the ratification of the Fourteenth Amendment? Or does the law—as text on paper and not something written on our hearts—supplant itself in some sort of progressive morality controlled by the whims of a democracy? Was the Negro a "person" prior to the Fourteenth Amendment or not? Are the unborn "nonpersons" due merely to the fact that

they were not addressed in a textually specific manner in the Constitution? Blacks are not specifically mentioned in the Fourteenth Amendment, yet there is no question that they are understood to fall under the umbrella which covers all those considered "people." The Constitution always included blacks in its definition of a "person" despite the historical practice of slavery to the contrary. Law is not merely rational thought empty of moral reasoning. It is indeed moral reasoning that guides the law and it is moral reasoning that tells us that life, whether unborn, severely retarded, or decrepit, is worthy of protection under the law.

Shawn Smart
Fredricksburg, Virginia

Robert Bork argues that even if the unborn are included in the usage of "person" by the Fifth and Fourteenth amendments, abortions are not forbidden because "abortions are killings by private persons. Without some additional constitutional action, there is no way around this other than to say that what the state fails to forbid, the state affirmatively orders." Few will deny that this conclusion is untenable, but there is a much simpler justification in the Fourteenth Amendment: "[No State shall] deny to any person within its jurisdiction the equal protection of the laws." Because every state protects from murder those born, the unborn ought to be equally protected from murder. The state is not held responsible for every individual act, but in areas where the state protects some persons from a type of private injustice, the state must protect all persons from that private injustice.

Considering the matter more broadly, Judge Bork correctly states that "Mr. Schlueter's solution is to have the Supreme Court declare all abortions violations of the due process clauses, and then have Congress enforce the ruling by legislating under section five of the Fourteenth Amendment." Judge Bork

then argues that even if Professor Schlueter's constitutional argument is correct, it is irrelevant because its implementation would require a "judicial and social consensus antagonistic to all abortions so broad and intense as hardly to require such drastic action by Congress and the Courts. *Roe* would be jettisoned and state legislatures would outlaw abortions." Judge Bork fails to see the possibility that Congress might one day be pro-life at the time some states are not fully pro-life. In that situation, Congress would pass laws protecting the unborn in states that are slow to comply with the new Supreme Court ruling.

Judge Bork sees little hope for the overturn of *Roe* in the near future, and considers a ruling of the Supreme Court in line with Prof. Schlueter's reasoning to be even more unlikely. Judge Bork thus concludes that "Schlueter's argument will never be more than a curiosity." We may happily concede this fact if it is admitted that the pursuit of the truth is no more than a curiosity. Either way, there is always hope of changing the hearts and minds of Americans by reasoned argument, and by the grace of God.

Josh Cole
Bedford, Indiana

Robert Bork errs in suggesting that "apparently no one, including Lincoln" ever imagined that the pre-Civil War Constitution could be used to ban slavery. But several abolitionists made precisely such an argument, most notably Lysander Spooner (author of the 1845 book *The Unconstitutionality of Slavery*).

A more significant error is in Judge Bork's three-part argument: a) the Fourteenth Amendment prohibits only state action; b) "abortions are killings by private persons"; and c) the Constitution therefore says nothing about abortion unless one takes the drastic step of arguing that "what the state fails to forbid, the state affirmatively orders."

It is this last step that errs. The Fourteenth Amendment does apply to state action, true, but it requires that states provide to all persons the “equal protection” of the laws. While in modern times the term “equal protection” has become synonymous with “equal treatment,” the original word “protection” obviously implies that the states are required to “protect” persons. And when one asks from whom or what people need “protecting,” the answer, all too often, is “each other.”

Which was exactly the case as to blacks in the mid-nineteenth century. The Ku Klux Klan was running rampant, and southern states were refusing to “protect” black persons from violence on the same terms as whites. There is absolutely no question that the framers of the Fourteenth Amendment intended, among other things, to remedy this failure of the states to “protect” black persons from other private citizens. There was no need to show that the southern states were “affirmatively order[ing]” the KKK to harm blacks; it was enough that the states merely failed to “protect” blacks “equally.”

Congress’ intent is also made clear by its actions after ratifying the Fourteenth Amendment in 1868—e.g., the enactment of the Enforcement Act of 1870, then the Ku Klux Klan Act of 1871, and the Civil Rights Act of 1875. All of these laws created civil rights protections against the actions of private individuals. In fact, every member of Congress who voted for the Fourteenth Amendment and was still sitting in Congress in 1871 also voted for the Ku Klux Klan Act.

As Judge Bork will no doubt point out, the Supreme Court took a very different view of the Fourteenth Amendment, striking down the laws to which I have just referred in the 1870s and 1880s. But Judge Bork has never been one to let bad precedent and clearly erroneous interpretation stand in the way of a proper construal of the Constitu-

tion’s original meaning and intent—has he?

Stuart Buck
Dallas, Texas

The demise of *Roe v. Wade*, and the establishment of justice for preborn humans in America, will come from exposing the culprit—legal positivism.

The solution is not political, Antonin Scalia and Robert Bork notwithstanding. Justice Scalia’s position, which says in essence, “I don’t care if abortion is legal or illegal . . . just throw out *Roe* and let the voters decide the legality of abortion in the democratic process,” constitutes blind adherence to the bogus notion of legal positivism.

For starters on a sound approach, I recommend George Weigel’s article on “Moral Clarity in a Time of War” in the same January 2003 issue as “Constitutional Persons: An Exchange.” He says: “Nothing human takes place outside the realm or beyond the reach of moral reason. Every human action takes place within the purview of moral judgment.” That is true, and neither the current illicit abortion license (said to be constitutional) nor Scalia/Bork’s “Let the voters decide” is a valid exception to Weigel’s dictum.

Like it or not, induced abortion must be gauged by, and ultimately vanquished by, appeals to right reason and objective morality. Justice based upon such norms would comply with God’s moral law. The fact that America is not a theocracy does not exempt us from compliance with objective moral norms.

I am not saying a natural law solution will be easy. The rebuttal will be “Whose natural law?” as Oliver Wendell Holmes retorted. However, such jaundiced taunts should not deter a right reason/morality-based solution. Tearing preborn babies apart can’t be squared with right reason and a civilized rule of law.

Richard J. Traynor
Maine Right to Life
Augusta, Maine

I am a pathologist and have been involved in pro-life activities for several years. Science is quite clear—the life of a human being begins at conception. To argue otherwise is simply unscientific. The real issue surrounding abortion, as is discussed in “Constitutional Persons: An Exchange on Abortion,” is which human beings are persons with rights. This is a frighteningly familiar question. Jesuit priest Robert Spitzer offers a clear answer. Every being of human origin must be considered a person because that is the only objective criterion available. Once exceptions are made, it simply becomes the subjective imposition of the will of the strong over the weak.

I have found *FIRST THINGS*’ concept of judicial usurpation of politics most compelling. I am not a lawyer, but would it really be an act of raw judicial power to find that all human beings are persons with constitutional rights? If a state were influenced by Peter Singer and passed a law allowing mothers to kill their children under the age of one year, would Robert Bork claim this is constitutional because the Constitution is silent on the killing of one-year-olds? We all should recoil from the idea that a human being must possess certain attributes in order to qualify as a person—not only for the sake of justice, but also for self-interest. Who knows who’s next?

James E. Brown, Jr., M.D.
Metairie, Louisiana

Nathan Schlueter replies:

Robert Bork’s polemical reply in the January issue to my article defending the unborn person interpretation of the Fourteenth Amendment generates considerable smoke from surprisingly little fire. Having conceded the plausibility of the restoration interpretation, I had expected from so eminent a scholar—for whom I bear considerable respect—a straightforward effort to refute my central arguments, rather than the collection of ad hominem, sloppy metaphors, and incomplete arguments he offers instead. One would think the unborn

person interpretation had at least as much plausibility from an originalist perspective as Judge Bork's defense in another place of the decision in *Brown v. Board of Education*. In any case, the argument is certainly not "absurd," having been embraced by a federal district court in *Steinberg v. Brown*, as well as by several distinguished law school professors, including Charles Rice and Gerard Bradley of the University of Notre Dame Law School. If Judge Bork is correct, he will have to make a much better case than he has thus far.

Judge Bork attempts to score an early point by calling my argument "a curiosity" which is "entirely irrelevant to the future course of the law." In response I will only say that I would not have expected to find someone who has made—and, in some respects, lost—a career defending judicial integrity advocating expediency as a valid consideration in constitutional interpretation. My primary purpose was not to promote a pro-life strategy. It was to explore a disturbing failure on the part of pro-life scholars and advocates to get things right on the Constitution and abortion. Whether the unborn person interpretation will ever be recognized by the Court, I cannot know any better than Judge Bork, his claim to the contrary. Stranger things have certainly happened.

Although the legal issues in this debate can be quite complex, the dispute boils down to two fundamental questions. First, does the term "person" in the Fourteenth Amendment include all human beings, and therefore unborn children? Second, do the protections of the Fourteenth Amendment extend to private wrongs against persons?

As to the first question, I urge Judge Bork to explain why the term "any person" in the Fourteenth Amendment is expansive enough to include corporations—and, as Mr. Collison trenchantly points out, even swampland and pileated woodpeckers—and yet too narrow to include

human beings in the womb. What rational difference between born and unborn human beings justifies the exclusion of the latter from this otherwise expansive legal category?

Judge Bork tries to get around the plain text of the Amendment by flawed textual arguments. The declaration of *citizenship* in the opening clause of the Fourteenth Amendment is limited to *born* persons, but the due process and equal protection clauses are not so limited. (The distinction between the rights of citizens and the rights of persons was standard during this time, and remains in our constitutional law today.) His argument on the double jeopardy clause is odd, to say the least. The double jeopardy provision of the Fifth Amendment applies no better to newborns than to unborn persons, and in either case the point has no relevance to the due process or equal protection clauses of the Fourteenth Amendment.

Judge Bork claims that "there is not the slightest scintilla of evidence for the proposition that the Amendments were designed to protect all human life." The proper question, however, is *not* whether the framers intended to *include* unborn human beings as persons, but whether they intended to *exclude* them as persons. He conveniently ignores my quote from John Bingham that the Amendment was intended to cover all human beings. Perhaps I should have mentioned that Bingham drafted the first section of the Fourteenth Amendment, and so may have been privy to its scope and meaning. I didn't do this, however, because, as I stated in my article, my primary purpose was to rely on Justice Antonin Scalia's jurisprudence of "original meaning" (what the words of the text mean to those to whom the text is publicly promulgated) rather than Judge Bork's jurisprudence of "original intent" (what the framers of that text subjectively intended the words to mean), a subtle but important difference. Judge Bork's originalist stan-

dard would seem to require for the unborn person interpretation some overt reference to it during the legislative or ratification debates. This, I propose, is an unreasonable expectation. As Professor Stith cleverly observes, the framers of that Amendment didn't mention Judge Bork either, as they did not mention the poor or the elderly, and yet surely its provisions cover all of them.

Having provided considerable evidence that the people of that time would have understood the word "person" to include unborn children, I had expected a stronger refutation of this point than that the criminal laws of the various states and territories *differed* in how they protected unborn children. As early as the thirteenth century Henry de Bracton (often regarded as the "Father of the Common Law") expressed the common law teaching that anyone who causes an abortion of a quick fetus "commits a homicide." This law was imported with the rest of the common law into the American colonies, and remained as standing law after independence from England. In 1803 England—apparently without controversy—enacted the first statutory change to the common law on abortion by passing the "Crimes Against the Person Act" (note the word "person" in the title of the act), which prohibited abortion throughout pregnancy and provided the death penalty if the woman was "quick with child." The quickening distinction was dropped in 1861. States in the U.S. slowly but steadily followed suit, such that by 1860 70 percent of states had statutes criminalizing abortion, and by the end of the century every state had criminalized abortion through all nine months of pregnancy. Considering this history, I repeat that the burden is on Judge Bork to show why the framers of the Fourteenth Amendment intended to exclude unborn human beings from Fourteenth Amendment protection.

Judge Bork's attempt to refute my analogy of the unborn person inter-

pretation to the commerce clause reveals a fatal flaw in his position. According to him, the commerce clause represents a “principle”—“to keep trade open between the states.” And so “interstate movement of trucks” clearly falls within the principle. But he notably neglects to state the *principle* embodied in the Fourteenth Amendment. Does it represent a limited effort to protect newly liberated blacks from the odious “black codes” of the South, or does it represent an effort to protect all persons from hostile or indifferent state governments? The latter interpretation is supported, not by my moral passion, as Judge Bork would have it, but, as I show in my article, by the text of the Amendment and the historical context of its drafting. Which brings us to the second question: Do the protections of the Fourteenth Amendment extend to private wrongs against persons?

Inexplicably, Judge Bork virtually ignores my reliance on the equal protection clause. Yet what more “discrete and insular” minority is deprived of the equal protection of the laws than unborn children subject to abortion? Or what “rational basis” (*United States v. Caroline Products, Co.*) could a state have for protecting the right of mothers to have their children killed in the womb? Would declaring the right to life as “fundamental” (*Skinner v. Oklahoma*) be a raw exercise of judicial activism? Judge Bork correctly notes that the Fourteenth Amendment did not outlaw armed robbery, but he misses the point that disparate prohibition or enforcement of prohibitions against armed robbery (say, excluding racial or socioeconomic minorities from protection) might very well involve a violation of the equal protection clause.

Similarly, Judge Bork misrepresents my position on state action to say that “all private action is state action.” I never did, or would, subscribe to such a ridiculous claim. There are certain actions a state may do by virtue of being a state that a private individual could never do (e.g., collect taxes),

and vice versa (marry). But this does not mean that *some* private actions do not *involve* state action. The Court ruled in *De Shaney v. Winnebago County* that the state was not liable under the due process clause for failing to protect a child from his abusive father. But what if the state protected the right of fathers to abuse their children? We are back again at the principle embodied in the Fourteenth Amendment. In fact, those who framed and ratified the Fourteenth Amendment clearly intended for it to reach private action, as evidenced by the Civil Rights Acts of 1866, the Ku Klux Klan Acts of 1870-72, and the Civil Rights Act of 1875. It is important to note that although most—though not all—of these acts were eventually struck down by the Supreme Court, they were passed by large majorities of the very same people who sent the Fourteenth Amendment to the states for ratification. Without entering into the debate over congressional versus judicial enforcement of the Fourteenth Amendment, I’m very curious to know how Judge Bork would treat a congressional statute prohibiting abortion, pursuant to its section five power.

Finally, in regard to Judge Bork’s parting salvo that my criticism of Antonin Scalia marks the onset of fanaticism, let me make clear that I have great admiration and respect for Justice Scalia, and that I do not agree with much of the “Justice Scalia is not Catholic enough” crowd. However, as Aristotle says, “It is sacred to honor truth above friendship.” In this respect, Judge Bork simply misunderstands my point about “value judgments,” a term which has roots in Friedrich Nietzsche’s philosophy of nihilism. That Judge Bork was persuaded to change his position on abortion through rational arguments indicates precisely the point I was making, that one’s proper opposition to abortion is *not* a “value judgment,” but the rational recognition and affirmation of an objective metaphysical truth and moral law.

I would remind Judge Bork that true fanaticism is marked by intense, uncritical devotion to a cause or ideal, and encourage him to consider whether the shoe may be on the other foot when he proclaims any criticism of the regnant pro-life constitutional doctrine as “attacking one’s friends” and “the onset of fanaticism,” especially when his defense of this position requires him to discover a truly absurd equivalency between a constitutionally protected “privacy right” to abortion (Harry Blackmun) and constitutional protection of unborn persons (myself).

Each of the correspondents above makes important contributions to this debate. Given my limited space, I will reply here only to Mr. Regan’s claim that Justice Byron White both responded to and even embraced the unborn person interpretation. I wish he was right, but in fact, it is Mr. Regan who is “simply incorrect” on this matter, and the fact that he misreads Justice White on this critical point indicates precisely why the restoration argument is so bankrupt. Mr. Regan correctly quotes Justice White in *Thornburgh*, and so one would expect him to make the obvious inference (as Mr. Regan does) that unborn children are persons protected by the Fourteenth Amendment. But Justice White does not do so, or even entertain the idea of doing so short of his conditional statement at the opening of the paragraph Mr. Regan cites. Instead, Justice White places himself firmly in the restorationist camp of Justice William Rehnquist (who signed on to Justice White’s opinion), leaving the matter of abortion up to state regulation. That this is Justice White’s position is clearly affirmed by Justice John Paul Stevens’ comments on Justice White’s dissent. Why Justice White and others fail to make what would seem the obvious conclusion on abortion and the Fourteenth Amendment, of course, is the subject of my article, and it has yet to receive a reasonable and fair explanation.

Robert H. Bork replies:

The responses to my argument that neither the Fifth nor the Fourteenth Amendment makes abortion unconstitutional advance a number of contentions to the contrary. None of them, I think, has merit.

We may begin with arguments about the proper method of construing a legal text, which is what the Constitution is. John Manning Regan calls my analysis "sophistry at best" but is kind enough to refrain from saying what he thinks it is at worst. The standard mode of interpreting a document that uses the same term repeatedly, as the Constitution does the word "person," is to conclude, absent a clear textual or historical indication to the contrary, that the term has the same meaning in all its appearances. Either that standard canon of construction or Mr. Regan's new free-form version must be abandoned. There is absolutely no support for Mr. Regan's assertion that the word "person" in the due process and equal protection clauses is "self-contained," i.e., independent of its obvious meaning throughout the rest of the Constitution. Nor does he offer any reason why self-containment would lead to his desired conclusion. Mr. Regan suggests that because the Fourteenth Amendment states that "All persons born or naturalized in the United States . . . are citizens of the United States and of the State wherein they reside," a judge is "perfectly free to infer that the events enumerated are sequential: personhood first, birth second, and citizenship third." Birth and citizenship, however, being clearly simultaneous, the claimed sequence is destroyed. The natural reading makes all three statuses simultaneous.

Shawn Smart points out that blacks were not mentioned in the Fourteenth Amendment but that it was ratified to redress their grievances. Quite so. Everybody knew that at the time, as we know from the fact that the framers and ratifiers talked about it. Nobody even suggested that the Amendment was ratified to out-

law abortion. It passes belief that so major a nullification of many state laws would not even have been mentioned. The silence of the record is deafening and dispositive.

I am grateful to Stuart Buck for pointing out that Lysander Spooner thought the Constitution banned slavery even before the (apparently superfluous) Thirteenth Amendment. I will amend my statement that "apparently no one, including Lincoln," thought that to read "Lincoln did not think that, and only a constitutional eccentric could have." It is also true that no one that I know of (unless it was a latter-day Spooner) thought the equal protection clause required states to protect persons from each other. That would mean that the clause mandated the content of all or most of the criminal and tort laws of each state, which is manifestly not the case. In any event, the argument assumes once more that an unborn is a constitutional "person," which is clearly not true. The Fourteenth Amendment's purpose to protect blacks from the Ku Klux Klan required, as Mr. Buck says, enforcement by acts of Congress. Whether or not those acts were properly struck down is beside the point. The statutes were thought by Congress to be necessary to enforce the Amendment, and the fact that no federal abortion legislation similar to the statutes Mr. Buck cites was enacted cuts against the notion that the Amendment had anything to say about the unborn.

I am saddened to learn from Professor Richard Stith that the framers did not have me specifically in mind when they framed the Fourteenth Amendment, though what that oversight has to do with the argument is unclear. They clearly had in mind, as the plain meaning of the text shows, the category of the born. That cannot be avoided by the professor's rather startling description of the majestic phrases of the Fifth and Fourteenth Amendments as "miscellaneous particulars." You might as well describe the entire Bill of Rights

as a grab bag of miscellaneous particulars. To say that there is "no sign that the Fourteenth Amendment used 'person' with anything less than the same universality as the original Constitution" in Article I, section 2, is both true and of no help to Prof. Stith's thesis. Slaves were persons because they had been born; nobody counted a pregnant free woman as two persons or a pregnant slave woman as one and one-fifth persons for purposes of a state's representation in Congress. (It should be noted in passing that the three-fifths clause was not adopted "for the express purpose of singling out such persons for discrimination." A slave was already so singled out as definitively as could be imagined. The purpose of the clause was to reduce the number of representatives the slave states were entitled to in the House of Representatives. The slave states wanted slaves counted as full persons.)

Nothing is altered by turning, as Dr. James E. Brown, Jr. does, to the testimony of modern science about when life begins. The question is not what science has to say about conception but what those who made the Fifth and Fourteenth Amendments law understood themselves to be doing. If some of them thought, as was surely the case, that life began sometime before birth, perhaps at quickening, that belief clearly did not make its way into the Constitution and would not, in any event, outlaw all abortions.

Similarly, the Constitution is not altered by appeals to morality. Richard J. Traynor quotes George Weigel's dictum that every human action is within the reach of moral reason. I could not agree more. Shawn Smart says that "it is moral reasoning that tells us that life, whether unborn, severely retarded, or decrepit is worthy of protection under the law." Quite so. Dr. Brown quotes Father Spitzer, that "every being of human origin must be considered a person." (Also quite right, barring a future of genetically designed creatures.) It may be doubted that the egregious Peter

Singer will ever persuade a legislature to authorize mothers to kill one-year-old children, but if such a catastrophe were imaginable, it is clear that a year-old child is a “person” within the meaning of the due process and equal protection clauses as an unborn is not.

The difficulty with arguments of the Traynor-Smart-Brown variety is that legal conclusions do not follow automatically from moral propositions. The Constitution does not and could not of itself prohibit every instance of even the grossest forms of immorality. It leaves such matters as bestiality, pedophilia, kidnapping, murder, and treason to laws to be enacted according to the morality and prudence of the American electorate. So it is with abortion. If we cannot convince the American people of the immorality of abortion, it is not only fruitless but wrong to short-circuit the democratic process by pretending that a Constitution that is plainly silent on the matter does the job for us. Majorities are capable of ordering, countenancing, or failing to understand evil actions, but our theory of government is that the cure, in cases where the Constitution does not speak, as it does not here, must lie in the moral education of those majorities.

The judicial rebellion and chaos Mr. Regan advocates is a stratagem that, once tried, would be found irresistible by other judges who found other Supreme Court decisions pernicious. A Court decision that the Constitution forbids all abortions, no exceptions, for example, would quickly incite pro-choice judges (probably a clear majority) to rebellion. Mr. Regan would be left with his chaos and nothing else.

Josh Cole’s argument is that “where the state protects some persons from a type of private injustice, the state must protect all persons from that private injustice.” That raises problems not easily discussed in short compass, but is made irrelevant by the fact that the Constitution does not require a state to classify the un-

born as persons. Mr. Cole posits a situation in which the Supreme Court decides that all abortions are violations of the due process clause and Congress is sufficiently pro-life to pass anti-abortion laws. Aside from requiring the Court to engage in blatant distortion of the Constitution, the scenario is theoretically possible though most unlikely.

Prof. Schlueter misunderstands much of what I wrote. When I called his argument irrelevant to the future course of the law, I was, as he surely must know, making a prediction, not advocating expediency as a method of constitutional interpretation. If, as Joseph Collison says, the courts have been extending the concept of “person” to woodpeckers, that hardly justifies them in also being wrong in ways Prof. Schlueter prefers. His argument becomes risible when he says that the “proper question, however, is not whether the framers intended to *include* unborn human beings as persons, but whether they intended to *exclude* them as persons.” Obviously, they intended neither; they simply had nothing to say about unborns. John Bingham’s statement advances the argument not at all, unless you start with Prof. Schlueter’s conclusion. The professor has apparently read *The Tempting of America* and should know that I explicitly disavowed any reliance upon the framers’ subjective intent. What matters is what their words would have meant to reasonably intelligent people of the time. But he claims to have “provided considerable evidence that the people of the time would have understood the word ‘person’ to include unborn children.” I must have missed something; so far as I can tell he offered no evidence of that. He may suppose that his recitation of the common law and statutes about abortion shows something, but it does not. Some abortions were then lawful and, in any event, many things are forbidden or limited by the common law and statutes that are not forbidden by the Constitution.

The equal protection clause adds nothing to the professor’s argument. The question is still what the Amendments meant by “person,” and there he fails to make any showing—textual, historical, or structural—that the term was understood to include the unborn. He expresses curiosity as to how I would treat a congressional statute, adopted pursuant to section 5 of the Fourteenth Amendment, prohibiting abortion. I would treat it as unconstitutional. Section 5 confers the power to “enforce” the provisions of the Amendment. That is not a power to rewrite the Amendment.

I have found this exchange profoundly dispiriting: neither Prof. Schlueter nor the correspondents have standing to chastise Justice Harry Blackmun for *Roe*, for they have conceded to judges the authority to rewrite the Constitution. That each side thinks the other’s morality wrong justifies neither in that revisionist enterprise. The pro-life forces passed up the chance to get a constitutional amendment overturning *Roe* so that the issue would return to the states and their citizens. Instead, they insisted upon an amendment completely banning abortion and, predictably, got nothing. Having failed to amend the Constitution, they now insist that they really did not need to accomplish that because such an amendment was adopted well over a century ago.

To judge from this exchange, which I hope is not an adequate sample, the prospects for maintaining (or regaining) the integrity of the Constitution are dismal. Both the cultural left and the cultural right (on this issue, at least as represented by these discussants) are eager to make the Constitution mean things it simply does not mean. The liberal left sees constitutional law as merely cultural politics. Cultural conservatives ought to resist that and fight the culture war where it belongs, in the arenas of moral discourse and democratic politics.

Opinion

The Sport of Easter

Peter J. Leithart

The anonymous alliterative Middle English poem "Sir Gawain and the Green Knight" is one of the gems of Western medieval literature. It gives a colorful portrait of court life, of heaped tables fringed with silk, knights and ladies in stately order, "velvet carpets, embroidered rugs, studded with jewels as rich as an emperor's ransom." Its attention to detail is remarkable. It is a rare poet who sees poetic possibilities in butchering a deer, but the Gawain poet lingers over the slaughter for thirty fascinating lines. Above all, as several of my students have emphasized to me recently, what marks the poem is its tone of utter and undiluted jollity. Everything in the poem is turned into sport, and friendly sport at that.

The sporting begins when Christmas festivities at Camelot are interrupted by the appearance of a strange knight, green from head to toe, who rides his green horse into Arthur's hall and challenges the famed knights of the round table to join him in a bit of fun, "a Christmas sport for the season." As it turns out, the game is a decapitation contest: one of Arthur's knights is asked to swipe an axe at the Green Knight, and the Green Knight will have his chance to return the blow during the holiday season the following year, at his Green Chapel. Not surprisingly, the offer is greeted with stunned silence, until Arthur agrees to take up the gauntlet. Sir Gawain is unwilling to put his liege in danger, and quickly volunteers in his place. He chops off the Green Knight's head, which rolls under the table where the knights kick it around like a football. But the greatest marvel is still to come: in a scene of bizarre comedy, the Green Knight picks up his head, mounts his horse, and then the head opens its eyes to say, in essence, "See you next year."

When the next Christmas season draws near, Gawain sets out on his quest. He arrives at a castle, where he is immediately challenged to another game. While the lord hunts, Gawain stays behind at the castle, and they agree that at the end of each day, they will exchange their winnings. The lord returns each day with his kill—a fox pelt, a wild boar, the meat from a deer. Gawain, meanwhile, lolls around in bed and is visited by the lady

of the house, who kisses him each day. In the evening, the lord hands over his goods, and Gawain kisses him. On the third day of his stay, the lady gives Gawain a green belt, which she claims will protect him from the Green Knight's blow, but Gawain doesn't turn the belt over to his host. This is the moral center of the poem: since Gawain breaks his word out of fear of death, he fails to live up to the code of a knight.

Yet the poem does not end tragically. When the fateful day arrives, Gawain faces the Green Knight (who, as the reader has suspected, is the lord of the castle). The Green Knight takes a few swipes, but takes only a nick from Gawain's neck (the charming Middle English word is "nirt"), as punishment for keeping the green belt to himself. Though Gawain experiences some mild shame at his failure, the Green Knight dismisses it and lets Gawain return home. When Arthur's knights hear the tale, they laugh off Gawain's error, and all the knights agree that they will wear the green belt in turns as a sign of solidarity. Gawain may have acted in unknighly fashion, but it does not affect his standing or reputation at all. All is sport, and any violations of the rules are cheerfully forgiven.

Whether it's decapitation, seduction, or a knight breaking his oath, the poem is pervaded by an air of light joviality and playfulness. Little is taken seriously, including the reality of sin and the probability of death. Not even the headless horseman is fearsome: as they watched the Green Knight ride away carrying his head, "Arthur and Gawain grinned at the joke, and laughed at the green man," as if he were some harmless leprechaun. The same point can be made from the other direction: what's missing from this poem of knights and ladies is precisely what you expect from a poem of knights and ladies—tournaments, jousts, damsels in distress, combat to the death, all that Walter-Scottish stuff and nonsense. The poet tells us briefly that Gawain encountered the standard adventures and adversities on his way to the Green Chapel, but he passes over them in a few lines, so eager is he to get Gawain to the castle and his next game.

"Sir Gawain and the Green Knight" is hardly typical of medieval romance, which can be as full of illicit sex and edge-of-the-seat adventure as any contemporary film. But the very existence of the poem is testimony to the achievement of Western Christendom. That a civilization should produce such a "hero" and such a "heroic" poem says something profound about the character of that civilization.

Comparison with the heroes of antiquity is especially striking. For Achilles and other Homeric heroes, life

affords a few passing moments during which the hero has a chance to achieve immortality. Every hero knows he will die, and soon, and knows too that the world of shades holds no attraction. If he is going to survive, he must live and die so as to achieve an eternal reputation. Man-killing Achilles, as Auden said, “will not live long,” but if he leaves mountains of corpses on the battlefield during his brief life, at least his name will endure. Similarly, the worst fate that Odysseus can imagine is death, alone, without witnesses or glory, floating on a plank of his ship in the open sea. Lives of ancient heroes were infused with a palpable anxiety that life would not provide sufficient opportunity for immortality, and this heroic mentality did not die with the last of the ancient warriors. The “cosmic resignation” (Paul Tillich) of the Stoic was ultimately a Socratic resignation before death, and the apparent joy of the Epicurean “eat, drink, and be merry” was a philosophy of life only because it was followed by “for tomorrow we die.” Ancient warrior culture is a culture built on the fear of death.

In “Gawain,” by contrast, there is no fear of death, and the games, unlike the agonistic sports of the ancient heroes, are just games, without ultimate consequence. Something happened between the *Iliad* and “Sir Gawain,” something that left a profound mark on the Western soul, something that no amount of political or social change can account for. Somehow, sometime, a shadow lifted, and in the light of day, men and women began to play, and play joyfully, in the face of death. Somehow, somewhere, men (especially men) learned to smile and even, like Hamlet’s gravediggers, sing at the edge of their graves. This is more than a variation on Epicurean hedonism, with its frenetic efforts to cheat death. It is something new, something that allows men to admit the inevitability of death, and to relax.

From this angle, “Sir Gawain” is not only a classic of medieval poetry but has a role to play in a Christian apologetic. The central Christian event is the Resurrection, and the central Christian announcement is that by the events of Easter, death has been defeated, and because it has been, it will continue to be defeated. Noting September 11, African famines, AIDS, volcanoes, and floods, however, unbelievers naturally demand evidence that Easter did what Christians claim. And Christians cannot duck the question, or retreat into a noumenal gospel according to which death was defeated in some “spiritual” realm. If Life really did struggle with Death, there must be some traces of the battle in the historical record; if this battle really took place, we should expect to find not only splintered arrows, shattered spear points, and crushed bones littering the field; we should expect to find some relics of the victor.

Athanasius insisted that the Resurrection did leave traces everywhere, especially among those specifically Christian heroes, the martyrs, men, women, and chil-

dren “who, before they believe in Christ, think death horrible and are afraid of it, [but] once they are converted despise it so completely that they go eagerly to meet it.” Hardened skeptics doubtless were unconvinced even by martyrs, and may not find a literary proof of the Resurrection much more compelling. Yet “Sir Gawain” remains a witness of some weight, a trace of Easter, an objective sign of the defeat of death embedded in Western literature. And it is a trace of peculiar value because it shows that the Easter message that “He is Risen” translates not only into a martyr’s taunt—“Death, I now decry you”—but into a festive invitation—“Let the games begin.”

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A Court Out of Order

*John M. Czarnetzky and
Ronald J. Rychlak*

In April 2002 at the United Nations, ten countries simultaneously submitted their ratifications to the “Rome Statute” of the International Criminal Court (ICC). That brought the total number of ratifications above the magic number of sixty, which brought the court—designed to prosecute the perpetrators of crimes against humanity, genocide, war crimes, and crimes of aggression—into being.

Many nations have not yet ratified the Rome Statute (so called because, unlike normal treaties, it purports to be binding on non-signatory nations). The most notorious and outspoken holdout, however, has been the United States. The Bush Administration has taken most of the heat for this position, but when former President Clinton signed the Statute on December 31, 2000, less than a month before the end of his administration and after it was known that he would be succeeded by Bush, he expressed concerns about its “significant flaws,” adding: “I will not, and do not, recommend that my successor submit the treaty to the Senate for advice and consent until fundamental concerns are satisfied.”

The principal objection to the ICC is that it might well subject American soldiers (including peace-keeping forces) to criminal prosecution for minor infractions while on patrol in foreign nations. To a lesser

extent, commentators and politicians have expressed concern about American leaders being subjected to prosecution after they leave office. Henry Kissinger is often noted as a potential subject of such a prosecution, but this could apply to any former President or other military advisor.

While such arguments should be taken seriously, they skirt over more fundamental concerns regarding the ICC, such as the source of its authority and the limits of the justice that it may administer. Thinking through these concerns leads one to the conclusion that the ICC may actually do more harm than good.

The theory behind the ICC is that it will deter future tyrants by holding out the threat of criminal prosecution. In the normal course of events, by punishing the guilty and not punishing the innocent, a system of criminal law affirms shared values and supports social cohesion. It might even be said that in most cases society owes an obligation to the citizens to punish those who have committed bad acts.

There are cases, however, in which punishment of even a clearly guilty person may not promote social cohesion. At these times, prosecutorial discretion, executive clemency, amnesty, and even jury nullification can do more to serve the common good than would punishment of the guilty.

At the end of the American Civil War, for example, President Lincoln forgave many crimes that might legitimately have been prosecuted. He did this in order to preserve social cohesion. In a different example, Sammie "the Bull" Gravano was freed (briefly as it turns out) after a light sentence even though he had admitted to participating in numerous murders. Convicting (the late) John Gotti was deemed so important that the government made a deal with a multiple murderer. In cases like this, law-abiding members of society are willing to trade the benefit that they might experience from punishment in exchange for a larger benefit to the common good.

Will the ICC make such judgments wisely? We have reason to doubt it. For one thing, the ICC has introduced a new principle in international law: "complementarity." That is, the ICC's jurisdiction will be "complementary" to national jurisdictions, meaning that the new court will prosecute wrongdoers where the appropriate national jurisdiction is either unwilling or unable to prosecute. Importantly, the ICC will not recognize amnesties granted by national jurisdictions, since that could mean that a wrongdoer would escape justice. The ICC is designed to make certain that *all* tyrants who commit crimes that fall under its jurisdiction are prosecuted.

There may, of course, be difficulty in determining whether a state actually is "unwilling or unable" to pros-

ecute a tyrant. Suppose that the affected nation makes a political compromise to remove the tyrant from office or for some other purpose that serves the nation's common good. Is that nation "unwilling or unable" to prosecute? The judges of the ICC will be empowered to answer that question for themselves.

Consider the example of Chile under Augusto Pinochet. The Pinochet regime regularly violated human rights as a means of consolidating power and imposing its will on the nation. When a free vote revealed the high level of hostility toward that regime, Pinochet agreed to leave office, but only after securing a lifetime appointment to the nation's senate and the promise of amnesty from prosecution. In light of this amnesty, could it be said that Chile was unwilling or unable to prosecute Pinochet? If the ICC had been in existence, its judges might well have so determined. Of course, if Pinochet had been facing a potential prosecution in the ICC, he might never have left office.

As with the situation in Chile, South Africa's transition from apartheid to democracy was accomplished through negotiation. The Truth and Reconciliation Commission process must receive credit for South Africa's bloodless transition, even though it permitted notorious wrongdoers to escape criminal punishment. Archbishop Desmond Tutu has often spoken of the need to forgo retributive justice in order to balance truth, justice, and reconciliation. Sometimes those values compete with one another.

These examples and many others lead to the inescapable conclusion that, while there is obviously a place for criminal prosecutions in meting out justice to tyrants who violate international criminal law, this is only one tool among several in the search for justice. The problem with the ICC is that it favors criminal prosecution in *every* situation. At Nuremberg, this model made sense. When the bad guys have been defeated by an outside force, there is no threat of civil war, and the defendants have already been captured, trials make sense. In some cases, however, they may only prolong the suffering.

Students of social science explain that deterrence depends on certainty and severity of punishment. Certainty of punishment from a practical standpoint is not always attainable, particularly when the wrongdoer is a national leader supported by military power. Moreover, by offering a form of due process and legal counsel to the defendant, the ICC may well decrease even the *likelihood* of punishment. In addition, since judges of the ICC do not have authority to impose the death penalty, tyrants need not fear the fate that befell Mussolini and others. As such, the ICC may actually decrease both the certainty and the severity of punishment.

Then there's the problem that the ICC is an independent entity with no legislative or executive branch to

check its power. What is to stop ICC judges from inventing new crimes, new rights, or otherwise trampling on national sovereignty? There have already been calls to expand the ICC's jurisdiction. Following the attack of September 11, 2001, representatives from the nation of Turkey proposed adding the crime of terrorism to the ICC's jurisdiction. (One of the great ironies of the ICC is that a terrorist attack like the one that took place on September 11 would not be actionable, but an overly broad retaliation by the U.S. could be.) There have also been proposals to add international drug transactions to the list of ICC crimes.

With eighteen judges (balanced in terms of gender, geography, and legal systems) and a potentially slow docket (there have been less than a handful of tribunals to handle cases like this in the past sixty years), there is every reason to think that ICC judges will start looking for something to do. Suppose they conclude that the death penalty constitutes a violation of human rights? Or that a society must offer socialized medicine? Or women the right to an abortion? There is, as yet, no institutional mechanism to put checks on such potential judicial activism.

If the U.S. were to ratify the Rome Statute, it would be necessary to amend many state and federal statutes, and probably the federal Constitution and many state constitutions as well. The Lawyers Committee for Human Rights has already predicted that rules established by the ICC "will have a significant impact on domestic criminal procedure . . . because it will be legally and

politically difficult to justify a two-tiered system of rights, one for ICC and another for purely domestic purposes." In other words, we will have to reduce our domestic rights until we meet the much lower international standard.

The ad hoc tribunal system that has been used in recent years in such cases as Rwanda and the former Yugoslavia is not ideal, but it does have the advantage of being flexible enough to adjust to specific local concerns. Over time, the cost of these tribunals can be reduced and procedural concerns minimized. Most importantly, this system does not foreclose negotiated settlements in those situations where they may be helpful.

Considering the lack of flexibility in the ICC structure, the lack of effective political checks and balances, the difficulty that the court could pose to negotiating resolutions of conflicts, the impact that it may have on national sovereignty, and the inability of the court to serve as an effective deterrent to future crime, the U.S. should not ratify the ICC.

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The Ox

Optat ephippia bos, piger optat arare caballus.

— Horace

The ox desires a saddle;
the packhorse eyes the plows.
The she-goat fancies grazing;
the heifer yearns to browse.
The dairyman would like a desk;
the stockbroker, some cows.
The married long for freedom;
the single, wedding vows.

Deborah Warren

The Faith of the Founding

Michael Novak

My colleague at the American Enterprise Institute, Walter Berns, has written that the philosophy of John Locke was decisive in the American founding. According to Berns, Locke's disguised but unmistakable aims were to break with the traditional Christian understanding of nature and to drive religion out of politics by confining it to the private sphere. Professor Berns invokes Jean-Jacques Rousseau to set the horizon and framework of this interpretation, and thus makes the European Enlightenment a hermeneutical key to the American founding. In doing so, he neglects the testimony of John Adams, Benjamin Rush, Alexander Hamilton, John Dickinson, and others of the founders, whose views on the source of natural rights are far more religious than those of Locke (narrowly interpreted). In addition, Berns largely ignores the *practice* of the founding generation, which accommodated a far more public role for the free exercise of religion than the American Civil Liberties Union now tolerates.

Nonetheless, the Berns thesis does throw some doubt upon the generous and affectionate thesis about the American founding propounded by the genial Catholic philosopher Jacques Maritain, one of the thinkers who prepared the way for the Universal Declaration of Human Rights. If Berns is right, Maritain cannot be. And vice versa.

In a series of books, Maritain argued that modern democracy of the American type cannot be understood apart from the inspiration of the gospel of Jesus Christ, which works in secular history as yeast in dough. In *Man and the State*, for example, Maritain introduced his thesis in these terms:

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Far beyond the influences received either from Locke or the eighteenth-century Enlightenment, the Constitution of this country is deep-rooted in the age-old heritage of Christian thought and civilization. . . . This Constitution can be described as an outstanding lay Christian document tinged with the philosophy of the day. The spirit and inspiration of this great political Christian document is basically repugnant to the idea of making human society stand aloof from God and from any religious faith. Thanksgiving and public prayer, the invocation of the name of God at the occasion of any major official gathering, are, in the practical behavior of the nation, a token of this very same spirit and inspiration.

Later, in *Reflections on America*, Maritain wrote: "The Founding Fathers were neither metaphysicians nor theologians, but their philosophy of life, and their political philosophy, their notion of natural law and of human rights, were permeated with concepts worked out by Christian reason and backed up by an unshakable religious feeling."

Coming from radically secular France, where the revolutionaries of 1789 seized, profaned, and closed Christian institutions throughout the republic in the name of "natural rights," Maritain fears that Americans will not hold fast to their own originality:

Let me say, as the testimony of one who loves this country, that a European who comes to America is struck by the fact that the expression "separation between church and state," which is in itself a misleading expression, does not have the same meaning here and in Europe. In

Europe it means, or it meant, that complete isolation which derives from century-old misunderstandings and struggles, and which has produced most unfortunate results. Here it means, as a matter of fact, together with a refusal to grant any privilege to one religious denomination in preference to others and to have a state-established religion, a distinction between the state and the churches which is compatible with good feeling and mutual cooperation.

This difference between France and America stimulated Maritain's philosophical reflections. Yet Maritain seldom cites a particular text of the founding period, such as the Declaration, the Constitution, *The Federalist*, or other classics. It is not apparent that he read much of Madison, Jefferson, Hamilton, Adams, or other founders.

Therefore, one wonders whether Maritain's thesis, lovely as it is, is borne out by a close reading of the essential documents. Prof. Berns, like other students of Leo Strauss, points out that interpreting apparently religious documents such as the Declaration of Independence requires a special kind of care, since the surface meaning of the words may mask a contrary and hidden subtext. One must grasp, for instance, the particular philosophical problem that John Locke faced, namely, how not to seem like a heretic while actually proposing a heretical solution to the "theological-political problem." While seeming to cite religious arguments and to pay obeisance to traditional terms, Locke actually reduced religion to subordinate status. He intended to eliminate the centuries of competition between religious authority and political authority by subordinating religion to secular law.

In making this argument, Prof. Berns leans heavily upon James Madison's *Memorial and Remonstrance* of 1785, a pamphlet that Madison circulated throughout Virginia in resistance to an initiative of Governor Patrick Henry. Henry had proposed a bill to raise taxes for salaries of clergymen in all those churches that would accept such aid. He hoped, in other words, to engineer a way around the recent disestablishment of the Anglican Church of Virginia. Madison feared that this ploy reintroduced the entanglement of church and state. So in a fuller way than anyone yet had, although building upon earlier works by George Mason and Thomas Jefferson, Madison spelled out the ground of his argument for the natural right of religious liberty. As a major test of the argument between Maritain and Berns, it seems useful to examine the reasoning of these three Virginians in some detail.

The way in which Virginia approached the question of religious liberty was very different from the path chosen by Massachusetts and other states, but the Virginia

way has become the standard by which American liberals today measure the relations of church and state—and even of religion and society. "Church" and "state" refer to institutions, of course, whereas "religion" refers more broadly to the habits and actions of individuals, sometimes acting singly, sometimes acting together with others. For instance, citizens often act together through diverse associations, contexts, activities, and civic relationships in order to achieve their social ends and purposes independently of the state. The sphere of "society," therefore, is much larger than that of "state."

Massachusetts and others among the founding thirteen states, while protecting the full religious liberty of citizens under their new constitutions after Independence, maintained an established church and entrusted important moral and educational tasks to church communities with state support, direct or indirect. Virginia, too, agreed that the protection of morals and education in republican habits was indispensable to the survival and well-being of republican government. However, abuses of religious freedom led three leading Virginians to draw an exceedingly bright line between the state and not only the church but even religion more generally. This line was defined by four major documents: George Mason's *Virginia Declaration of Rights* (1776), Thomas Jefferson's *Virginia Bill for Establishing Religious Freedom* (1779), James Madison's *Memorial and Remonstrance Against Religious Assessments* (1785), and again his *Act for Establishing Religious Freedom* (1785).

Three features of this decade-long struggle deserve note. First, Virginia trod this path almost alone among the founding states. Second, the extraordinary passion of Jefferson and Madison on this point was bitterly resisted by many in Virginia, as well as in other states, and in practice it proved nearly impossible to observe completely. The dependence of the republic upon the concepts and habits inculcated by Jewish and Christian religions proved to be too conspicuous to ignore. As Presidents, for example, both Jefferson and Madison expended considerable effort to show their personal support for religious worship and to nurture religious activities. The actual practice of the early republic exhibited many accommodations between the state and religious citizens in multiple warm and friendly ways that sharply distinguished the American way from the rigorous hostility Maritain had known in France. While the American Republic had no established church, the American state took a positive and benign attitude toward the full, free, and quite visibly *public* exercise of religion, not least at major state functions and national celebrations. Moreover, the religion shown in such public exercises was not just "religion in general," but quite distinctively Protestant Christianity, albeit, typically, in a fairly nondenominational form.

And this public choice was not a matter of mere reflex, without argument on its behalf. Public figures and public documents widely asserted that *this* particular stream of religion was of decisive importance in the history of liberty, and indispensable to its survival.

But the third feature of these founding documents is even more striking and profound. For it is quite stunning that the four documents in question depend for their intelligibility and their credibility upon a distinctively Jewish and Christian view of man's relation to God. The hinge of the argument in each document is a fact of Jewish and Christian faith: that each individual conscience stands in the presence of its Creator. Further, by virtue of having been created from nothing, each individual owes a primordial duty to her or his Creator. This duty is of so intimate a nature that no other person can perform it in that individual's place. It is an inalienable duty, which can be taken up by no other.

This particular religious view is held by only two religions. It is not found in Buddhism nor in Hinduism; not in animism nor in pantheism; not in the religions of the ancient Greeks or Romans; nor in the religions of the Incas or the Mayans; and not even in that one other religion which also recognized a Creator separate from the created world, Islam.

These other world religions are satisfied by outward obeisance. Do your duty, and no one inquires into what your secret thoughts may be. Since only outward ritual acts were demanded, not even the great Greek or Roman philosophers worried over the assent of conscience to the worship of the gods. By contrast, Jews and Christians trembled if asked to make outward obeisance to idols, for they recognized in that act a terrible sin of idolatry.

Only Judaism and Christianity among all world religions developed, and still nourish and celebrate, the three central concepts necessary to the American conception of rights. Only they hold to the doctrine that there is a Creator (and Governor of the universe); that each individual owes a personal accounting at the time of Judgment to this Creator, a Judgment that is prior to all claims of civil society or state; and that this inalienable relation between each individual and his Creator occurs in the depths of conscience and reason, and is not reached merely by external bows, bended knees, pilgrimages, or other ritual observances.

Take, for example, the paragraph of the *Virginia Declaration of Rights* dealing with religion, which is explicitly dependent on a distinctively Christian understanding of religion:

[We hold] that religion, or the duty which we owe to our Creator and the manner of discharg-

ing it, can be directed by only reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

Thomas Jefferson's *Bill for Establishing Religious Freedom* (1779), submitted but not passed by the legislature until 1785, likewise picks up an explicitly Christian motif:

Well aware that . . . Almighty God hath created the mind free, and manifested His supreme will that free it shall remain, by making it altogether insusceptible of restraint: That all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as it was in his Almighty power to do, but to extend it by its influence on reason alone.

...

We the General Assembly of Virginia do enact, that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

Then, since no Assembly can pass an irrevocable act that another Assembly, of equal powers, cannot rescind, Jefferson's bill adds a deeper understanding of the ground of this act:

We are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right.

Thus, in the acts put forth by Mason and Jefferson, the concept of natural right is argued for in the language of Jewish and Christian belief about the Creator, who wishes to be worshiped in spirit and truth. For this God, the arena of conscience is sacred, in such a way

that the duty, and therefore the natural right, of the individual who stands in that arena is also sacred. In that sacred space that stands between the individual and the Creator, no state, society, or other human person dares to intervene.

William Penn of the Society of Friends first established religious liberty in the colonies and supplied the Christian rationale for it. In Penn's vision, Almighty God conceived of this universe we inhabit and brought it into being so that somewhere in it there would be at least one creature with whom He could establish friendship. And since God wished the friendship of free women and men, not slaves, He constituted human beings free. For Penn, friendship is the purpose of the universe, and friendship's necessary precondition is liberty:

There can be no friendship where there is no freedom. Friendship loves a free air, and will not be penned up in straight and narrow enclosures. It will speak freely, and act so too; and take nothing ill where no ill is meant.

Religious liberty for all was the first natural right Penn recognized in his new colony. One can see this metaphysical scheme behind the words of Mason and Jefferson in the two acts of the Virginia Assembly quoted above: "that all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other."

Penn's scheme also lies behind Madison's eloquent *Remonstrance*, but Madison adds a deeper and more profound point—namely, that the relation of the intelligent creature and his Creator is not only inalienable in the sense that no one else may stand in for another, but also in the sense that this is a relation prior to all other relations, even those of civil society. Religious liberty, then, is not a natural right that comes into existence along with civil society. It is prior to civil society. It is rooted in nature itself, in the primordial relation of intelligent creature to Creator. In an astonishing tour de force, the young Madison goes beyond Locke and even deeper than Mason and Jefferson. His argument begins where the *Virginia Declaration of Rights* left off, and so he quotes directly from that text:

[W]e hold it for a fundamental and undeniable truth, "that religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." The religion then of every man must be left to the conviction

and conscience of every man: and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men: It is unalienable also, because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of civil society. Before any man can be considered as a member of civil society, he must be considered a subject of the Governor of the Universe.

It is important to pause here and take in Madison's point. The relation of an individual to his Creator is precedent to his entering into civil society; it arises from nature itself. Yet this view of nature is in fact derivative from an expressly Christian view of the world expressed in philosophical rather than in exclusively theological or scriptural terms. In Madison's view, by nature an individual is "a subject of the Governor of the Universe." On that fact, deep and inviolable, his natural right is grounded.

Continuing to quote from the *Virginia Declaration of Rights*, Madison attempts to ground the fundamental equality of all individuals, considered as subjects of the Governor of the Universe.

If "all men are by nature equally free and independent," all men are to be considered as entering into society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all, are they to be considered as retaining an "equal title to the free exercise of religion according to the dictates of conscience." Whilst we assert for ourselves a freedom to embrace, to profess, and to observe the religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offense against God, not against man: To God, therefore, not to man, must an account of it be rendered.

In the remainder of the *Remonstrance*, Madison gives several expressly Christian arguments for the natural right of religious liberty. He calls Governor Henry's bill, against which he is remonstrating, "a contradiction of

the Christian religion itself, for every page of it disavows a dependence on the powers of this world." Indeed the Christian Church survived centuries of direct opposition by the mighty Roman Empire. "Nay, it is a contradiction in terms, for a religion not invented by human policy must have pre-existed and been supported, before it was established by human policy." Note well Madison's description of Christianity: "a religion not invented by human policy."

Madison goes on to declare that "the policy of the bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift ought to be that it may be imparted to the whole race of mankind." But attempts to enforce Christian conscience have the reverse effect, dispelling seekers after truth in aversion and fear. Which brings us to Madison's ringing conclusion:

Earnestly [we pray], as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their Councils from every act which would affront His holy prerogative, or violate the trust committed to them; and on the other, guide them into every measure which may be worthy of His blessing, may redound to their own praise, and may establish more firmly the liberties, the prosperity, and the happiness of the Commonwealth.

In brief, Madison argues as a Christian, with the purest ideals of Christianity in mind, and with a view to his faith's flourishing. He does not argue as an atheist, materialist, or apostate from Christianity.

Only Judaism and Christianity have a doctrine of God as Spirit and Truth, Who created the world in order to invite these creatures endowed with intelligence and conscience to enter into friendship with Him. Only the Jewish and Christian God made human beings free, halts the power of Caesar at the boundaries of the human soul, and has commissioned human beings to build civilizations worthy of the liberty He has endowed in them. So high is this God's valuation of human liberty of conscience that, even though He has launched a divinely commissioned religion in history (in two Covenants, Jewish and Christian), He would not have either of these religions imposed by force on anyone. So devoted were the American founders to this understanding of religious liberty that, as Thomas Jefferson wrote in his *Autobiography* (1821), the authors of the *Virginia Bill for Establishing Religious Freedom* refrained from mentioning the exact name of the "holy author of our religion." Here is Jefferson's explanation for the omission:

Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the words "Jesus Christ," so that it should read, "a departure from the plan of Jesus Christ, the holy author of our religion"; the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and the Mahometan, the Hindoo, and Infidel of every denomination.

Madison gives powerful Christian reasons for such forbearance. Alone among the religions of the world, Judaism and Christianity place so high a valuation upon religious liberty because of their own doctrine that the relation God seeks with humans is friendship.

The explicitly Christian language of Madison, and the background of divine-human relations on which it expressly draws, strongly suggest that Maritain, and not Walter Berns, is correct. While Madison's use of the Christian tradition employs a restricted, even chaste use of theological language—the name Jesus Christ is never mentioned, only "divine Author of our religion"—there can be no doubt that his worldview is Christian. It is neither Kantian nor Hobbesian, Greek nor Roman nor Voltairean. Neither is it a full-blooded Thomist vision. Yet it embraces too many theological elements to be considered merely secular, philosophical, or unbelieving. It is neither rationalist nor relativist, and it is more than merely theist or, as the conventional jargon of historians puts it, "Deist." In itself, while it does not affirm everything that orthodox Christian faith affirms, Madison's vision is sufficiently impregnated with Christian faith to be not only unconvincing but even unintelligible without it.

Some may assert that although Madison's formulations appear to be Christian, in reality they stand as typical Enlightenment philosophizing. But one has only to compare them to texts from Rousseau, Voltaire, and other secularist figures of the time to see how much Christian sentiment and metaphysics they embody in their simple, elegant statement of a man's duties in spirit and truth to his Creator. Although to my knowledge Maritain did not consider these classic Virginia texts in detail, his judgment about the American founding nevertheless seems utterly accurate, affirming just enough and not a word more than the facts require.

The passage quoted above seems perfectly apt:

The Founding Fathers were neither metaphysicians nor theologians, but their philosophy of life, and their political philosophy, their notion

of natural law and of human rights, were permeated with concepts worked out by Christian reason and backed up by an unshakeable religious feeling.

Apart from Christian conceptions of a Creator Who asks to be worshiped in spirit and truth, and a Christian

conception of the inner forum of inalienable conscience, George Mason's *Virginia Declaration of Rights*, Jefferson's *Bill for Establishing Religious Freedom*, and Madison's *Memorial and Remonstrance* would lose all cogency and sense. These documents owe their derivation to a Jewish and Christian worldview, and do not spring from any other. FT

Photographs

In a hatbox's tied and knotted
fringe, fray and cilia of thread,
bistre-washed in sepia, under the bed,
the dead lay color-blind in shades of gray:
each cordoned heart, veined-red,
darkened as on alchemists' hands the nitrate silvered.

I thought the dead
as seals of wax: embossed
lost initial wed
to fire, paraffin and steel inlay.
Faces fused to paper as a cloisonné,
enameled: I thought the dead a jewelry,
or the jewelry buried with the dead:

among disarray of diamonds and decay
clay returns to clay.

Valerie Wohlfeld

Ordaining Women: Two Views

Jennifer Ferrara

A decade ago, Michael Novak observed in the pages of this journal that “one scarcely ever encounters a theological argument against the proposition that women should be ordained priests” (“Women, Ordination, and Angels,” April 1993). Though some Catholics have begun to openly defend the Church’s position on women’s ordination, they frequently do so with less zeal than when discussing other topics of social and cultural import. I suspect this is because orthodox Christians of every stripe are often thrown together in an “ecumenism of the trenches” and from that vantage point do not wish to dwell on subjects that divide them. Conservative Catholics who agree with the tradition of restricting the priesthood to men do not wish to offend their Protestant friends who have grown accustomed to female pastors or who may even be female pastors. Nor do they wish to insult their fellow Catholics who may think women should be ordained. A friend who is a priest explained to me that he does not openly oppose women’s ordination because he knows several nuns who “suffer greatly” because they cannot be priests. It can, then, seem easiest and most charitable for those of us who oppose women’s ordination to keep our opinions to ourselves.

However, in doing so, we do not help the suffering nuns, and we concede the high ground to those who wish to interpret Church doctrine in light of feminist ideology rather than the other way around. This is not a small problem: the feminists and their allies have gained ascendancy in many seminaries and dioceses throughout the country. Moreover, by way of response to the current scandals within the Church, they have ratcheted up their calls for women’s ordination, despite the fact that lack of fidelity to the Church’s teachings helped create the problems in the first place.

As a former Lutheran pastor who is now Roman Catholic, I understand the confusion and tension surrounding the issue of women’s ordination. My own spiritual and intellectual journey has resulted in my holding every possible position, from being supportive of women’s ordination, to not knowing what I believed, to being opposed to it. In fact, when I first began to seriously consider becoming Roman Catholic, I disagreed with the Church’s practice of excluding women from the priesthood. I even set out to write an article outlining what I presumed to be the theological deficiencies with the Catholic Church’s position, which in retrospect seems like sheer arrogance. As I began to read in preparation for the article, I became increasingly convinced my presumptions were wrong.

As a Lutheran pastor, I supported women’s ordination as part of a more general argument that God did not intend men and women to have different roles, and I found support for this position in Martin Luther’s writings. In his *Lectures on Genesis*, Luther explains, “[Adam and Eve’s] partnership involves not only their means but children, food, bed, and dwelling; their purposes, too, are the same. The result is that the husband differs from the wife in no other respect than sex; otherwise the woman is altogether a man.” Differentiation between the sexes according to Luther is a result of the fall of our first parents: “If the woman had not been deceived by the serpent and had not sinned, she would have been the equal of Adam in all respects. For the punishment, that she is now subjected to the man, was imposed on her after sin and because of sin.” As a result, she “has been deprived of the ability of administering the affairs that are outside [the home] and that concern the state.”

According to Luther, the affairs outside of the home include those of the Church because the Church is an estate within the kingdom of the world and is, therefore, guided by the same laws that pertain to civil society.

Galatians 3:28 ("There is neither male nor female . . . for you are all one in Christ Jesus") does not invalidate the law that subjects women to men because it applies only to the kingdom of God. According to our conscience, we are free of the law, but as long as we continue to live in an imperfect world, we are still under the law. Luther's theology of two kingdoms (law for one, gospel for the other) creates a dilemma for those theologically and confessionally orthodox Lutherans who wish to oppose women's ordination. The question they must answer is why the law subordinating women to men governs relationships in the Church and perhaps the home, but not in the rest of society. Consistency would require an across-the-board application, as Luther argued.

I believed then that this widespread inconsistency in the application of God's law invalidated calls for male headship in home and church. In an article in *Lutheran Forum*, I argued that male headship was not natural law, as Luther thought, but rather a cultural cloak for the law that calls for order in the home. Luther believed that the law which grants men authority over women was designed not only to punish women but also to curb evil intentions. The disciplines that derive from it serve a good purpose: "They tend to humble and hold down our nature, which could not be held in check without the cross." As a modern woman, I thought our selfish tendencies could be held in check through mutual subjection worked out through egalitarian principles. According to Luther, social arrangements should be preserved within the Church lest we give scandal to the gospel. I thought restricting ordination to men had become such a scandal; it had become a modern-day stumbling block to people's conversion and continued faith. If the subordination of women to men is, in fact, a human ordinance, we deny the principle of justification when we turn it into law. The acceptance of equality between the sexes throughout much of the world demonstrates that past generations wrongly thought the headship principle was a matter of natural law. Therefore, I thought that ordaining both men and women might well be the best way to serve our Lord in this time and place, despite 2000 years of tradition to the contrary.

When I started to think about becoming Roman Catholic, I went back again to the beginning and read, with a critical eye, John Paul II's *Catechesis on the Book of Genesis*. There I found an entirely different vision of creation than that set forth in Luther's *Lectures on Genesis*. According to John Paul, Adam and Eve were not created essentially the same. Masculinity and femininity are not just attributes; rather, the function of sex is "a constituent part of the person." In other words, Eve is not Adam with a female anatomy: "Man and woman

constitute two different ways of the human 'being in a body' in the unity of the image of God." Or again, "Womanhood expresses the 'human' as much as manhood does, but in a different and complementary way."

Though different, men and women both have the capacity to give of themselves and to receive love. Prior to the fall, Adam and Eve naturally gave of themselves to one another. At the time of the fall, this natural capacity for giving was lost. Henceforth, men and women are prone to view each other as objects, which is why they are now ashamed of their nakedness. Human sexuality, rather than a natural means of self-giving, becomes a way to manipulate and exploit others. Genesis 3:16 ("Your desire shall be for your husband and he shall rule over you") is not natural law, as Luther argues, but a description of the lasting consequences of original sin. In particular, the woman becomes an object of male domination. Original sin burdens the relationship between men and women, but it does not ultimately define it.

John Paul believes that radical self-giving is what, in the end, makes us human. To lord over others is the antithesis of Christian service (Luke 22:25-27) and results in a turning away from God; it is, therefore, a negation of self. Therefore, John Paul speaks of the need for mutual submission. Here he differs from other conservative Christians, including some Catholics, who think the reestablishment of responsible male headship in church and home is necessary for the reformation of church and society. The Holy Father, by contrast, says we must look to our theological pre-fall history—a history that does not involve the subordination of women to men—in order to understand the relationship to which God calls men and women. When Jesus talks about marriage, he twice uses the phrase "from the beginning." This phrase is key to John Paul's thinking about the relationship between men and women. He says Jesus asks us "to go beyond, in a certain sense, the boundary which in Genesis passes between the state of original innocence and that of sinfulness, which started with the original fall."

When I first read these words, I was startled: they went against all my deeply ingrained Lutheran sensibilities. I had to think outside of the two kingdoms box in which I had resided for most of my theological life. As a Lutheran, I had thought of myself as being *simul iustus et peccator* (at once saint and sinner). Though Christ's righteousness had been imputed to me in exchange for my sinfulness (making me a saint), I continued to live in this world (and therefore continued to sin). Marriage was very much a part of this world. The relationship between our original parents in paradise (God's kingdom) could not be replicated in our fallen state (the kingdom of this world). For John Paul II and

Catholics traditionally, the Christian life is one of progress toward holiness, the goal of which is to be like God by becoming "full of grace" (1 John 3:2).

The Pope's theology of the body and of marriage can only be understood within this context. By God's grace received through the sacraments (including the sacrament of marriage), we can aspire to something greater in marriage than a power struggle hemmed in by laws designed to curb our selfish intentions. Husbands and wives can be partners in a marriage based upon a sincere and radical giving of self on the part of both spouses, a giving that results in mutual submission. Men's dominion over women is a result of the fall and is, therefore, something to be overcome in Christ, however imperfectly, in this life.

Jesus, whose authority and kingship is exercised through service, has set us free from sin and provided all people, but men in a special way, with a model for radical self-surrender and self-giving. This model is set forth in Ephesians 5:21-33 ("Be subject to one another out of reverence for Christ. Wives, be subject to your husbands, as to the Lord. . ."). What does John Paul have to say about the portrayal of Christian marriage in what has become one of the most controversial passages in all of Scripture? He acknowledges some of the concepts in the passage are "characteristic of the mentality and customs of the times." However, he also says St. Paul demonstrates "courage" when he uses these concepts to describe how mutual subjection in Christ works. Today, our mentality and customs are different, as is the social position of women in relation to men. John Paul goes on to say, "Nevertheless, the fundamental moral principle which we find in Ephesians remains the same and produces the same results. The mutual subjection 'out of reverence for Christ' . . . always produces that profound and solid structure of the community of the spouses in which the true 'communion' of the person is constituted."

Though John Paul II never speaks of male headship, he recognizes that inherent to their natures are differences in the way men and women express love for one another. Men have the more active role in the relationship: the husband is the one who loves while the wife is she who is loved and in return gives love. This special capacity to receive love is what is meant by feminine submission and is the basis of the image of the submission of the Church to Christ. Submission here means to be subsequent or responsive, not necessarily obsequious or subservient. For the man, a love modeled upon Christ's self-sacrifice leads to a desire to provide and protect to the point of a willingness to give one's life, both literally and figuratively. Men represent Christ in a way that women cannot because men's relationship to creation is one of detachment and distance. They cannot fully share in the intimacy that women have with their chil-

dren. Therefore, they better serve as an image of transcendent love, a love that is wholly other but seeks only the welfare of the other. As primarily relational beings, women are images of immanence and ultimately of the Church, which is prepared, at all times, to receive Christ's love. The result is a mutual submission, even mutual dependence, that does not undermine the role of men in church or home.

John Paul II places the inherent differences between men and women within the context of "an order of love" rather than "an order of creation." According to this order of love, all persons find themselves by sincerely giving of themselves to others. True authority in the family, in society, and in the Church is exercised through service: "To reign is to serve." However, men and women serve in particularly masculine and feminine ways. As the Pope explains in his 1995 "Letter to Women," "a certain diversity of roles is in no way prejudicial to women, provided this diversity is not the result of arbitrary imposition, but is rather an expression of what is specific to being male and female."

At the heart of this diversity lies the difference between motherhood and fatherhood. No matter what men and women do, they bring paternal or maternal characteristics to their vocations. The Catholic saint and philosopher Edith Stein always said that all women need to accept their maternal nature if they are to accept their vocation specifically as women. This means that every woman, no matter what she does, brings maternal characteristics to her vocation. All women, married and celibate, are mothers all the time. The same can be said of men and fatherhood. John Paul reminds us that celibacy (continence for the sake of the kingdom) is not a rejection of marriage but a different form of marriage. It is a "nuptial giving of one's self for the purpose of reciprocating in a particular way the nuptial love of the Redeemer." This giving of one's self, which is the definition of conjugal love, must lead in its normal development to paternity or maternity in a spiritual sense, just as marriage does in a physical sense through procreation, rearing, and education of children.

In other words, a Roman Catholic priest is not simply a father figure; he is a father. To state what has ceased to be obvious in a society governed in large measure by the principle of androgyny, fathers and mothers are not interchangeable. Women are not men and, therefore, cannot be priests any more than they can be fathers in the physical sense. If women can step into the role of priest, then it is no longer one of fatherhood.

Why can't we have spiritual fathers (priests) and spiritual mothers (priestesses)? The answer is one that feminists do not like to hear—namely, that the priest is an icon of Christ and acts *in persona Christi* at the altar and in the confessional. In 1976 the Vatican issued *Inter*

Insignores or “Declaration on the Admission of Women to the Ministerial Priesthood.” As this document says, we cannot ignore the fact that Christ is a man. He is the bridegroom; the Church is his bride. This nuptial mystery is proclaimed throughout the Old and New Testaments. One must utterly disregard the importance of this symbolism for the economy of salvation in order to make an argument for women’s ordination. There are actions “in which Christ himself, the author of the Covenant, the Bridegroom and Head of the Church, is represented.” At these times, Christ’s role (this is the original sense of the word *persona*) must be taken by a man. This is especially true in the case of the Eucharist, when Christ is exercising his ministry of salvation.

Those who favor women’s ordination argue that women can represent Christ as well as men because femaleness is an attribute along the lines of Jewishness. To say that women cannot represent Christ is to suggest they are less fully human than men. This argument might have merit if it were sensible to believe that men and women are, as Luther suggests, both versions of men—and that those differences, flowing from the fall, would be overcome at the Eschaton. According to this line of reasoning, women should be allowed to represent Christ as a sign of the final consummation.

Such a view, however, is simply contrary to Catholic anthropology. Masculinity and femininity are not traits like skin or eye color; they are modes of being human. As *Inter Insignores* argues, these modes are built into the economy of salvation. Jesus did not just happen to be male. His masculinity is a reflection of God’s paternity. God’s paternity resides in His being wholly other from His creation. Of course, God is without gender and contains within Himself true masculinity and femininity. As the Catholic theologian Louis Bouyer explains in *Women in the Church*, “God is neither man nor woman, though He encompasses from the beginning all that humanity will ever bring to realization. He goes beyond masculinity in the only fatherhood worthy of the name, and is at the same time, in this eternal virginity, the antitype of all motherhood.” However, the fact remains that God chose from all eternity to take the form of a man, and that Jesus is the embodiment of the Father’s love.

Moreover, the priest as male represents God’s transcendence. However, as symbol of the gift of Christ’s love for his bride, he does not have the same sort of authority as the “rulers of the Gentiles.” The priest’s authority derives from service and self-sacrifice. It is an authority that should lead to mutual respect and affection between priest and parishioners, not feelings of superiority and inferiority. As Henri de Lubac points out in *The Motherhood of the Church*, paternal authority is much less apt to result in abuse of power and tyranny than authority derived from other sources. The response of some to the current sexual crisis in the

Catholic Church is to say that paternal understandings of authority need to be replaced with functional understandings. As is usually the case with those who dissent from Church teachings, they have it precisely backwards. The most obvious way to ensure fewer instances of clerical abuse in the Catholic Church would be to see that those in charge of seminaries and rectories have a clear understanding of the role of the priest as father. I am not suggesting that this is the only solution to the present crisis, but candidates for the priesthood need to be evaluated for their fitness for fatherhood. A fit father, a good father, does not abuse his children.

Instead, spiritual fatherhood has come under attack in the Church by feminists and their allies who believe the Church should reflect the unisex vision of men and women that pervades society, and they have had an influence in many dioceses and seminaries far greater than their numbers would suggest. A seminarian named Daniel Scheidt writes in the Catholic journal *Crisis* that men in seminaries and rectories are suffering from a form of identity crisis that mirrors that among men in society at large. Scheidt says that efforts to downplay the theological interrelationships of paternity (God the father) and maternity (mother Church embodied in Mary) have “taught the seminarian to be insecure and embarrassed—or even suspicious and hostile—toward facets of the divine mysteries that give ultimate meaning to his life as a man and, one day, as a ‘Father.’” Clearly, many in the Church today are taking their cues from culture rather than traditional Catholic doctrine.

I know how easily this can happen. As a Lutheran pastor I completely accepted the notion that men and women are ultimately the same. In order to be taken seriously, I thought it absolutely imperative that I act like a man and be perceived as being exactly the same as a man. I tried to imitate my father, who was also a pastor, which must have looked and sounded pretty silly. I soon discovered that my parishioners enjoyed seeing me in “motherly” roles, especially those involving children. They repeatedly told me that I brought maternal sensibilities to the office and that they liked that. When I left, the congregation’s leadership told me they wanted another female to succeed me. I found this gratifying and proof that women belonged in the ministry.

I now think that my parishioners’ reaction to me points to a deep deficiency within the churches of the Reformation. Protestants have few female models of holiness to turn to for comfort and guidance. Here I am thinking not only of Mary and the female saints but of the women religious. I attend a parish that is served by decidedly traditional nuns, and I find that they and the priests offer the same sort of balance of the feminine

and masculine that ideally exists between mother and father, and that they teach us in the parish by example what it means to be men and women, fathers and mothers. Consecrated women are our spiritual mothers, though many seem to reject this self-understanding.

As a Roman Catholic laywoman, my life as a woman, wife, and mother has taken on a new sense of definition. For the first time, I am trying to listen to what the Church has to say about who I am rather than expecting the Church to conform to what I think it should be. In general, modern women and men chafe against revealed authority because they expect the outer life of institutions to be rendered serviceable to the psychological inner life of individuals. Therefore, if women want to be priests and claim to feel pain because they are not priests, it automatically follows that they should be priests. Yet nuns and other women who insist that they have a call to the priesthood and use their pain as evidence for an authentic interior call from God are, in fact, using the protean politics of pain and not Catholic theology to explain their experiences. If they truly wish to empty themselves and renounce their own will for the sake of God and Church, they will find innumerable opportunities for service, though perhaps not the sort of self-gratification they seek.

Contrary to popular opinion, the Catholic Church offers a rich and multidimensional understanding of what it means for humans to be male and female, far more complex than the unisex vision of many feminists. The interplay between masculinity and femininity is by no means rigid. Catholicism has always recognized that in the spiritual life of both the married and celibate, women acquire masculine virtues and men acquire feminine ones. It is not the principle of androgyny or gender bending at work in Catholic theology. Rather, the Church has an anthropology that recognizes the differences between male and female, motherhood and fatherhood. In *Heart of the World, Center of the Church*, David Schindler points out that the complementarity of the Catholic tradition is not based on a fragmentation of the male and the female into two distinct parts: "Each images the 'whole' of the Trinity, but does so *differently*." Men and women share in what is proper to each.

In a tradition dating back to the early Church, all Christian souls have been described as being feminine. This is because receptivity is necessary for holiness. In the Catholic tradition, women have always provided models of holiness for men. Louis Bouyer explains the importance of women for men as follows: "Man, the male, never finds himself except by a process of discovery blemished by narcissism, and, except by and in women, he never meets the world in an encounter which is real communion rather than a simple confrontation. The world is never real for the man except

by symbioses with women. It is, moreover, by that alone that man attains the consciousness of himself which is not solipsistic absorption, but the discovery of this identity as participation in the divine image."

Priests are no different from other men in this regard. Unlike Jesus, they must begin by being fundamentally receptive. As Schindler writes, "The ordained is first dependent upon the Marian *fiat* even as he is . . . empowered to represent Christ's initiative." Mary is the woman through whom the priest finds himself. What does this say about priests who steadfastly avoid having a spiritual relationship with Our Lady? If Bouyer is correct, they run the real risk of becoming profoundly and dangerously narcissistic.

Actually, everyone—male and female—suffers when Church and society no longer recognize the importance of the truly feminine or the "feminine genius," as John Paul II calls it. The Catholic philosopher Alice von Hildebrand suggests that "when piety dies out in women, society is threatened in its very fabric; for a woman's relationship to the sacred keeps the Church and society on an even keel, and when this link is severed, both are threatened by total moral chaos."

The Catholic understanding of the feminine would be lost forever if the Church had a female priesthood. Those who insist the Church ordain women to elevate their status are, in reality, denigrating femaleness, especially motherhood. They are also engaging, as Schindler points out, in a "clericalism" which disproportionately emphasizes the importance of priests and the importance of the masculine: "Common to . . . 'clericalisms' is a lack of sense of anteriority, and primacy, of the feminine in the call to sanctity." We do not raise the status of women by convincing them that what they need to be is men. Though women can and should be allowed to do most of the jobs traditionally filled by men (bringing to them a feminine sensibility), they cannot and never will be biological or spiritual fathers. Those who insist otherwise effectively deny what is noble and holy about being wives and mothers (biological and spiritual) and thereby slight the importance of the feminine (mother Church) in the plan by which God intends to redeem His creation.

A loss of the feminine and its importance in the economy of salvation is part of the legacy of the Protestant Reformation and its de-emphasis of the iconic elements of faith. Luther placed the institutional Church squarely in the kingdom of the left hand, and the result was a Church more sociological in character. He also effectively denied a role for the feminine in the Church and in salvation when he developed an anthropology that took the male as the sum of what it means to be most fully human. The result was a minimalist ecclesiology that was starkly masculine in character.

For Catholics, the most important icon of the Church and the feminine is Mary, Mother of God. The diminishment of Mary and the severing of her connection to the Church by the reformers was one step along the long road to women's ordination. Interestingly, the famous Lutheran theologian Paul Tillich recognized the profound change that occurred in the Protestant churches when the figure of Mary was eliminated: "The increasingly symbolic power of the image of the Holy Virgin . . . presents Protestantism with a difficult problem. In the struggle of the Reformation against all human mediators between God and man, this symbol was abolished, and, with that process of purification, the feminine element in everything of ultimate concern was largely eliminated."

Over time, Protestantism invested God with symbols of immanence. The result has been a leveling out of the differences between creation and Creator. At the same time, the Church took on a more sociological, institutional nature. Hans Urs von Balthasar observes that the prominence of Mary as archetype of the Church has protected the Church "from disintegrating into mediocrity and ultimately into sociology." These developments within Protestantism paved the way for women's ordination as ministry took on an increasingly functional nature and men no longer were seen as symbols of God's transcendence.

For those who are determined to see the Catholic Church embrace the principle of androgyny that dominates the rest of the culture, no argument against women's ordination will be persuasive. However, those who recognize the God-given inherent differences between men and women, husbands and wives, fathers and mothers, and see their importance not only for the proper working of society but for our salvation, should give thanks for the Catholic Church's resolve in adhering to two thousand years of tradition—a tradition rooted in God's good purposes for all men and women.

JENNIFER FERRARA is editing *The Catholic Mystique: How Fifteen Women Found Fulfillment in the Church*, to be published by *Our Sunday Visitor* in 2004.

Sarah Hinlicky Wilson

To consider the ordination of women is to take a plunge into the rich depths of Christian theology. It is a wild ride indeed, with high stakes, fierce debates, and all sides burning for the purity of the gospel. This is to be expected. Though Vincent of Lérins defined orthodoxy as that which has been believed "everywhere, always, by all," he was, unfortunately, wrong.

Orthodoxy has been a battle from the get-go, as the apostolic epistles amply demonstrate. An appeal to the unchanging teaching of the Church does little justice to the Church Fathers who engaged their whole minds and souls in the defense and articulation of the truth, based on Scripture, reason, liturgy, peculiar strands of philosophy, and sundry other allies they mustered to their side. Studies in the history of doctrine demonstrate that there is development in the teaching of the Church. We are at the crossroads of what will become either a further development or a heresy tossed aside.

Fundamentally, the question of women's ordination is an ontological one. Though there are arguments for and against it of other kinds, in the end they are inconclusive for the debate. Scriptural injunctions to the silence of women in church are, in the first place, not observed anywhere, not even in churches that prohibit women at the altar. Women sing, chant, pray, and speak in tongues of humans and angels alike. Furthermore, the injunctions against speech and authority are internally contradicted by the equally scriptural witness to the activity of women in the earliest Church: Mary the mother of God praying with the disciples, Priscilla instructing Apollos, Phoebe serving as deaconess, and so on. The Church Fathers acknowledged this too: Basil of Caesarea regarded his older sister Macrina as his spiritual guide and Augustine attributed his catholicity to his mother Monica.

The same inconclusiveness applies to the argument that Jesus called only men to serve in the Twelve and that we must follow his example. Once again our attention is called to the women who were with him and later led the early Church; more to the point, however, ordination as such does not exist in the Gospel narratives. It developed over the next several generations, so that while the women of the New Testament were not called to liturgical priesthood, one may accurately remark that neither were any of the men.

Aside from these specifically biblical issues, there are also sociological and ideological arguments mounted from each side. Here we will deliberately ignore such concerns, however much insight they may contain, as finally not compelling one way or the other.

The matter is ontological because at base it is necessary to discern the true nature of gender and how essential it is in Church teaching. It may be that gender is an absolute category that dictates all relationships on this earth, in and out of the Church; conversely, it may be that gender is provisional and even incidental where the Church is concerned. Or the truth may lie somewhere in between. There are three levels at which the issue must be confronted: at the trinitarian level, of the internal relationship between the Father, Son, and Holy Spirit; at the Christological level, regarding Jesus Christ who was born true God and true man; and at the anthropo-

logical level, about males and females created in the divine image.

From the beginning—namely, starting with the book of Genesis—the Lord God is referred to with male pronouns. Jesus addresses this God as his Father and invites his followers to do the same. The baptismal formula of Matthew 28, adhered to by Christians for twenty centuries thereafter, is “in the name of the Father and of the Son and of the Holy Spirit.” These are all unequivocally masculine terms. What conclusions about gender and the Holy Trinity shall we then draw from them?

From the beginning, it has been a clearly noted mistake to draw the conclusion that God is thus internally, essentially, ontologically male. The same Old Testament that provides the pronouns also states, “Since you saw no form when the Lord spoke to you at Horeb out of the fire, take care and watch yourselves closely, so that you do not act corruptly by making an idol for yourselves, in the form of any figure—the likeness of male or female” (Deuteronomy 4:15-16). The inference of masculinity in God is not only inaccurate, but actually idolatrous. The pronouns function as convention. It may be that the preference stems from resistance to local fertility religions that identified the deity too closely with the “maternal” nourishing soil. But the logic cuts both ways. The converse danger—and to judge from the scriptural accounts of the struggle, the more threatening one—is to tie divinity to masculinity on account of supposedly similar traits, such as transcendence, in contrast to the immanent earth. This amounts to an elevation of the biological process that sounds more like the rain god Baal fertilizing passive mother earth than the Lord of Israel. Paganism sees masculinity in God and femininity in earth and its inhabitants; Judaism and Christianity do not.

Although Christians must decidedly reject this line of defense for the masculine pronoun and the names Father and Son, there are compelling reasons to retain the choice of words all the same. These words are first and foremost the language of Scripture, the cradle of the gospel. They are also the language of worship—the first response of the first witnesses to the resurrection before the first New Testament documents were written—and the language of the creeds, which in a few words summarize four centuries of struggle towards the truth. None of these can be discarded if we are still to recognize Christianity in two thousand years of continuity.

The baseline of this language lies in two endearing terms of address. Jesus calls upon God as Father; even his Aramaic cry of “Abba!” is preserved for us. This God, the Father, in turn claims the human Jesus as His beloved Son. These names are given to the Church;

there is simply no reason to use any other. Only these names carry the assurance of faith.

However, once again, to infer an internal masculine relationship between the Father and the Son is to miss the point. The terms do not refer to maleness. From the patristic era, it has been understood that they refer to the eternal generation of the second person of the Trinity by the first. The Son is “begotten by the Father from eternity,” and to this reality the metaphor draws our attention. Metaphors have a hard time holding their own in our day and age; they are either absolutized (in which case they cease to be metaphors and become identities) or they are considered optional and thus freely discarded (which voids them of all their content). The metaphor of Father and Son cannot mean father and son in an identical earthly sense—indeed, that would make the Son secondary to the Father in time, which involves us in more theological problems than we can number. Rather, as Irenaeus illuminates the simultaneous necessity and limitation of the metaphor, “[God] may most properly be termed Light, but He is nothing like that light with which we are acquainted. And so, in all other particulars, the Father of all is in no degree similar to human weakness. He is spoken of in these terms according to the love [we bear Him]; but in point of greatness, our thoughts regarding Him transcend these expressions.” God is Father, and yet unlike any human father we know.

Any more specific attempt to say God the Father is like a human father in that he is caring, unselfish, and forgiving with His children is true insofar as these attributes are assigned to Him by the Scripture, but misleading when they are held to be in contrast with a mother: mothers are all these things as well. As Julian of Norwich wrote, “To motherhood as properties belong natural love, wisdom, and knowledge—and this is God.”

The salient point for our discussion on ordination is that a man is not an intrinsically more accurate sign of the Trinity than a woman. Gender is not a feature of God.

In Christian teaching, the doctrine of the incarnation is crucial in revealing the nature of God. God is not merely distant, clouded, indifferent, and unknowable. God truly shows Himself by sending His only-begotten Son, Jesus the Christ, who is the image of his Father in heaven. What we know of God can never be severed from what we know of Jesus.

One thing that we know of Jesus, beyond any shadow of a doubt, is that he was born a man and not a woman. By the same logic noted above, this incarnational fact might lead one to conclude that God is thus male, because His image is a human male. On trinitarian grounds such a conclusion must be rejected. But the fact of Jesus’ maleness still raises certain questions.

It happens, though, that these questions are of far more interest to Christians of the last several decades than they ever were before. Contemporary believers demand to know what the maleness of Jesus *means*; but believers before them, when they bothered with the question at all, were considerably more interested in spelling out what Jesus' maleness does *not* mean.

The traditional unconcern follows the lead of Scripture. Very little is made of Jesus qua male in the canon. The evangelist John, for instance, deals in dialectic: on the one hand, he says that Jesus is the Word of God who *is* God and dwells with God; on the other, that the Word became flesh (*sarx*) and dwelt among us. This Word-flesh typology was at the heart of the controversy at the Council of Ephesus, wherein the orthodox Cyril of Alexandria insisted that Jesus was the Word made flesh, not the Word united to a human man—a subtle distinction, but one that places the emphasis on the complete assumption of human nature by the Word rather than the particular choice of a man by God. A better translation of the Nicene Creed for English speakers would read not “by the power of the Holy Spirit he became incarnate from the virgin Mary” but rather he “was made flesh of the Holy Spirit and of the Virgin Mary.”

In the letters of Paul, who in fact has very little to say about the life of Jesus on earth and far more to say about the risen Christ, the focus is on the Savior as human, or *anthropos*—the Greek term inclusive of both genders. The best known and best loved of these assertions is in the Philippians hymn, which proclaims that Christ Jesus in the form of God “emptied himself, taking the form of a slave, being born in human likeness. And being found in human form, he humbled himself” (2:7-8; in both instances, the word translated as “human” is *anthropos*). What matters is the sacrifice of godly privilege for the lowliness of humanity, irrespective of gender. Likewise, the marriage analogy of Ephesians (composed by Paul or more likely an admirer of his) must, like the Father-Son metaphor, be treated with care. The writer himself says of the conjugal relationship, “This is a great mystery, and I am applying it to Christ and the Church.” The male-female pairing is not an inherent feature of the Church and its Lord but an image for understanding its intimacy and permanence.

So again we ask: Why the recent epidemic of interest in Jesus' maleness as such? The conversation began at the initiative of the feminists and their allies, not surprisingly, and has been taken up by those displeased with the feminists' results. The most significant piece to open up the debate is Rosemary Radford Ruether's essay “Can a Male Savior Save Women?” Ruether raises the soteriological question that Jesus-as-man precipitates: If salvation comes through the assumption of human nature by the divine, can one who is female be

saved by one who is male? Or is the uterus an insurmountable blockade between women and eternal life?

Clearly, for orthodox Christianity, the salvation of women has never been in question, at least not in the practice of the faith. But *theologically* the reason why the question has never become a crisis is precisely because of the emphasis upon the flesh, upon the *anthropos*, upon Jesus assuming all of humanity to himself, which means that his maleness is de-emphasized. It is not just the crucifixion by itself, but the crucifixion of the God-made-flesh that brings salvation to humankind. The basis of Gregory of Nazianzus' Christology, asserting that Jesus Christ assumed all of human nature, is that “the unassumed is the unhealed.” In that case, if men and women are so profoundly different, and if Jesus is so profoundly male, then—rudimentary logic will complete the syllogism. Patristic theology does not drive towards the difference but towards the essential similarity, with obvious implications. Ruether's suspicions only gain credence in a Christianity more enamored of the maleness of Jesus than of his humanity.

It is not a hysterical overstatement, then, to assert that the ordination of women is closely tied to the salvation of women. If the female cannot represent Christ because of her femininity, it is hard to understand how Christ in his masculinity can represent her in his death and resurrection.

By now it should be clear what is at stake in constructing an anthropology of male and female human beings. Distinguishing the respective natures of men and women on an ontological level bears weighty consequences.

However, it is at just this moment that we should note how very slippery the term “ontology” is. With the Holy Trinity and Jesus Christ, the matter is somewhat clearer, for we are dealing with the *sui generis* about whom very much has been said in the Christian tradition. Moreover, our claims for the nature of God are fairly modest due to our own ignorance. But when we speak of males and females of the human race and their ontology, the term itself begins to reveal its ambiguity. What exactly are we talking about?

A discussion of the proper use of the philosophical category of ontology would take us too far afield here, but for now let us consider humans at the three basic levels of being. First and foremost there is the body. Surely there is no doubt that men and women are both members of *Homo sapiens*. Biologically speaking, the difference is not all that great: the principal dissimilarity is in the quantity of certain hormones during gestation that develop identical tissue into two different sets of parallel organs. Otherwise all parts are held in common. But presumably, as Christians, we are not speaking at the level of science.

As far as the soul goes, again we would be hesitant to say that male souls and female souls are entirely different things. Men and women both share human nature in God's image, in all of its aspects, which Christ assumed to himself; to say otherwise is to get caught up in another theological whirlpool. (Another Christological controversy arose because some wanted to say that Christ did not have a human soul—in which case the human soul was not assumed and therefore not healed. The same reasoning mentioned above follows here too.) And certainly no one will want to say that male and female brains are "ontologically" different—especially since the genealogy of that line of thought has historically led to decidedly misogynist judgments on the female intellect.

If we exclude body, mind, and spirit from whatever differences the term "ontology" seems to carry, we are left with a strange brew of personal and cultural assessments of the situation. That men and women are different somehow is undeniable, but pinpointing those differences often proves a difficult task. The moment we say "women are gentle" we instantly think of men who are more so and women who are not at all; as soon as we assert "men are aggressive" contrary examples come to mind. The very fact that we tend to associate certain traits with one group, and then are forced to apply them to the other, reveals the stereotype as a shortcut for thought, preferred by lazy minds and lazy societies. At the very least, we are hard pressed to say that any set of characteristics, especially so protean as those of human beings, can constitute an "ontological" difference.

Perhaps at the root of strong assertions of male and female differences is the fear of so identifying the two as to make them interchangeable. Biology clearly blocks such a move; men are fathers because of the organs they possess and women are mothers because of the organs they possess, and short of highly invasive surgery nothing is going to alter that reality. Still, parenthood is the common activity of both, and if biology is going to clarify the differences in the roles, we hardly need call upon ontology to do the job. The biological fact will also subvert those who would employ a notion of interchangeability in order to defend homosexuality—perhaps another underlying fear that drives ontological thinking where gender is concerned.

All this is highly theoretical; it is wise to let theology have its say as well. Opposition to the ordination of women relies heavily on the strain of Christian thought that, despite the slipperiness of the term, still insists upon the "ontological" difference between men and women. But an equally Christian and venerable strain of theology lies at quite the other extreme. The division of male and female was not at all the good will

of the Holy Trinity from the beginning, according to this perspective, but an anticipation of the Fall and a provision for procreation. Gregory of Nyssa posited a double creation, first the human being as the image of God, and then the male-female dyad as a concession to the problems of impending sin. He writes in reference to Genesis 1, "There is an end of the creation of that which was made 'in the image': then it makes a resumption of the account of creation, and says, 'male and female He created them.' I presume that everyone knows that this is a departure from the Prototype: for 'in Christ Jesus,' as the apostle says, 'there is neither male nor female.' . . . Thus the creation of our nature is in a sense twofold: one made like to God, one divided according to this distinction."

Maximus the Confessor goes further in saying that Christ "frees the whole of nature from the attributes of male and female. . . . Man was not intended to be divided into the categories of male and female, as is now the case." This is to take Galatians 3:28 very seriously indeed. The New Testament (and the Old as well) provides ample evidence that an "ontological" rift was imagined between the Gentile and the Jew, even more serious than that between men and women, and an overwhelming portion of first-century Church struggles were in overcoming that division. Maximus applies the logic to another estranged pair, man and woman, who also are made one in Jesus Christ.

These two competing strands of orthodox Christian tradition (the ontological-difference strand and the gender-as-compromise strand) both claim the Genesis creation stories for themselves. The short poem of Genesis 1:27 reads, "So God created humankind in His image, in the image of God He created them; male and female He created them." This brief text has been made to carry more weight than its few words can bear, delicious as they are. For now, we can safely assert without fear of interpolation that the passage makes two claims: first, that all humans are made in the image of God, and second, that all humans are male or female. There is nothing to settle the aforementioned dispute, because there is nothing to lend support to either side.

The second Genesis creation story in chapter 2 is a little more illuminating. Adam—which simply means "earth"—falls into a deep sleep while the Lord extracts a rib from his side with which to create Eve. The man's response is one of joyful recognition, after too many days in the dull company of animals: "This at last is bone of my bones and flesh of my flesh!" The emphasis is on the unity and similarity, for the woman comes right out of the man; and with procreation, the man comes right out of the woman (a point reiterated in Adam-Christ and Eve-Mary typologies). Together they cease to be two separate entities; instead they become one flesh.

When we talk of the difference, we are best served by the Scholastic distinction between essence and existence. Essence is *what* something is (corresponding to ontology, rightly understood); existence is *how* something is; essentially, men and women are the same, but existentially, they differ. Conflict between the two is the curse of the Fall, but it is overcome by the unity of Christ. The unity is not a matter of social politesse or cooperation, but the essential unity of those who share the same flesh and the same bones. For this reason Jesus' retort to the wily Sadducees—"For in the resurrection they neither marry nor are given in marriage, but are like angels in heaven" (Matthew 22:30)—is not a heretical denial of incarnational life or a plug for interchangeability, but an anticipation of the reunion that his own life already inaugurates.

The conclusion to be drawn is that all human beings, males and females alike, bear the same image of God and the same human nature. Jesus Christ took the flesh of human nature and made it wholly his own. In the unity of the Church, a Gentile is as much an image of the Jewish Christ as a Jew; a slave is as much the image of the freeborn Christ as a citizen; a woman is as much the image of the male Christ as a man. It is arbitrary to slice up the unities in one way and not in the other. It is a bizarre fixation on gender that requires male body parts to represent Christ. In fact, it is a denial of Jesus' incarnation and resurrection alike to say that women cannot stand *in persona Christi*.

And if this were not enough, there is additionally the ironic fact that to insist upon an ontological difference between men and women is to award the victory to the very feminists and their allies who insist upon filtering everything through the experiences, feelings, and oppressions of women. If men and women are indeed so very different, then the practices and teachings of the Christian Church—which are overwhelmingly the products of men—of necessity *cannot* speak to women,

so women have little choice but to reinterpret everything in their own image. Only if our Scripture, doctrine, and worship are both the work and the enlightenment of human nature as a whole will women have a share in that heritage as well.

Much has been said here of why there is no reason *not* to ordain women. A word or two as to why it *should* be done is yet needed. It would be absurd to say that women bring unique gifts to the ministry that men do not, given the impossibility of saying just what these gifts are. It would also be unkind to say that the ordination of women is demanded to show women their full participation in Church and humanity alike, for churches that do not ordain women still embrace them as sisters in the faith, and Christian women have managed for many centuries without admission to the altar.

A Sister Thekla once said, "The only justification for the monastic life lies simply in the fact that God calls some people to it." By the same token, the only justification for the ordination of women lies in the fact that God calls some women to it. It is profoundly uncharitable to attribute the desire for the office to self-serving pain, or a quest for power, or sheer determination to make a point. Like Deborah and Priscilla, if a woman is called to lead and to serve, then she is bound to follow the calling. The Church discerns the legitimacy of her call, identifies her gifts, and puts them to work. The ordination of women is nothing more or less lofty than the recognition of the work of the Spirit for the good of the Church and the world. Women have nothing to offer but their own selves called to sacrifice, suffering, and service—and that is quite enough.

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Newman's Liberal Problem

Edward T. Oakes

In *Scenes of Clerical Life* the novelist George Eliot managed to capture in one sentence the true import of the religious controversies that were tearing apart the Church of England in the nineteenth century. Speaking of the disruption caused by the arrival of a young Anglican curate with Evangelical sympathies at a staid parish presided over by an equally staid gentleman-vicar, Eliot (herself not a believer) observed: "Religious ideas have the fate of melodies, which, once set afloat in the world, are taken up by all sorts of instruments, some woefully coarse, feeble, or out of tune, until people are in danger of crying out that the melody itself is detestable."

When Eliot wrote this line in 1857, England had for some decades been the scene of a religious controversy so noisy and bitter that it not only made many of the human instruments seem discordant, but even the melodies themselves. Somewhat paralleling the wider cultural tensions inside the English nation at large between Romanticism, Classicism, and Utilitarianism, English Christianity recognized, alongside the established Church of England, three distinct institutional options for the non-Anglican: the Dissenting churches (Methodists, Puritans, Levelers, Plymouth Brethren, and the like), the Roman Catholic Church, and the Unitarians. But more crucially, these three distinct denominational possibilities also had their own typological reflections *inside* the Church of England: Methodism continued to live on inside Anglicanism in its Evangelical wing (often called the Low Church); Catholic sympathizers could be found among the Tractarians of the High Church wing (who got their name from the tracts they wrote to push their Catholicizing views); while the

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JOHN HENRY NEWMAN: THE CHALLENGE TO EVANGELICAL RELIGION. By FRANK M. TURNER. *Yale University Press.* 740 pp. \$35.

Unitarians had noticeable influence on the liberal Latitudinarians (the Broad Church).

And precisely because these in-house clashes all found external embodiments outside the established church, the course of intra-ecclesial debate could easily reach the point where the Church of England would completely break apart. As one acute observer of Victorian religion, A. Dwight Culler, notes, any member of the Anglican communion could always leave it if his own school of theology was not being given due regard, or even if he just simply drew out his own views to their logical extreme:

As a Dissenter rose in social status, he often became an Evangelical, [but] sometimes entire bodies of Evangelicals declared their independence of the church and became Dissenters. Opposite the Liberals, feeding them and receiving from them in turn, were the rationalistic and secular movements of Unitarianism, Utilitarianism, indifferentism, and even atheism; for, however reluctant the Liberals might be to admit this, there was really no point at which, by the brake of their own principles, they could stop. And finally, opposite the High Church party, as events were later to prove, was the Catholic Church. Here, however, there was no friendliness and interchange, and for this reason, that a national or political principle supervened. For the High Church party, as it was then constituted, was wedded to the state, and the Roman religion was wedded to the Pope. It was

on this issue that they had parted company three centuries before, and it was on this issue that they could not be reunited now. Thus, in every case there was an enemy without the gates, and it was for this reason that the tensions within the church were particularly high. Each side could see, clearly and plainly before it, whither the other two would lead. Patently the Liberals were running into infidelity, patently the Evangelicals into Dissent, and the High Church party (in its later Tractarian form) patently into the arms of Rome.

Note how this passage explains these tensions in terms of the *ideas* animating each wing of the Anglican communion, and not according to the ecclesiastical personalities advocating each position. Note also how these Anglican ideas, precisely in their independence from their advocates, have a certain logical tendency to “drift,” as it were, to a more settled and consistent terminus outside the established church. This is something that John Henry Newman, the leader of the High Church Tractarians, understood quite well. In his *Tract 73* he pointed out that dogmas, like ideas in general, can exist independently of the human mind—and that this fact has important consequences for how we judge a religion: “By objective truth is meant the religious system considered as existing in itself external to this or that particular mind. . . . To believe in objective truth is to throw ourselves forward upon that which we have but partially mastered or made subjective.” In other words, judge the melody by the melody itself, not by the player or the instrument playing the tune.

Unfortunately, Newman’s own personality—which some contemporaries thought, and many later admirers still think, to be mesmerizing and irrefragably honest, and which perhaps just as many contemporaries and later detractors experience as hypersensitive and jesuitically dishonest—has frequently proved to be too much of a distraction. The result is that his melodies, long set afloat in the world, now strike many as “woefully coarse, feeble, or out of tune,” to the point where people really are “in danger of crying out that the melody itself is detestable.”

Frank Turner, professor of history at Yale University, must be counted among Newman’s most savage detractors. In his thoroughly scathing jeremiad, *John Henry Newman: The Challenge to Evangelical Religion*, Turner launches a sprawling attack on the man’s integrity. The author admits the task won’t prove easy, which surely must account for the book’s massive size and documentation. Focusing on Newman’s remarkable *Apologia Pro Vita Sua*, the greatest religious autobiography ever written in English and the only one that can bear

being mentioned in the same sentence with St. Augustine’s *Confessions*, Turner sets out to undermine Newman’s account of his own motivations, the value of his historical scholarship, the fairness of his theological polemics, and, above all, the avowed reasons for his many conversions. The ambition is nothing less than to thoroughly discredit Newman as an apologist for Christian orthodoxy and—what is its counterpart—as a critic of liberalism.

No student of Newman can avoid the fact of his many conversions. He changed his mind—indeed his life—at least five times: from an adolescent flirtation with atheism, to Evangelical and Calvinist-tinged Anglicanism, then, after a short-lived espousal of Liberalism in his early years at Oxford’s Oriel College, on to High Church Tractarianism, and finally ending up in the Roman Church.

Now Newman’s own interpretation of these conversions, which Turner thoroughly rejects, was that he was slowly growing out of the shadows of willful private judgment and into a life of obedience to an ever more clearly perceived objective revelation. And for him part of that obedience to an objective revelation was the dawning realization that such a divinely given and publicly accessible revelation also had to be objectively defined by a divinely appointed and infallible oracle. As he directed his tombstone to read: *Ex umbris et imaginibus in veritatem*—“from darkness and simulacra into the truth.”

For Newman, the darkness out of which he had emerged could be described, in large part, as liberalism. This he made abundantly clear in the allocution he delivered in Rome on May 12, 1879, on the occasion of receiving the cardinal’s red hat from Pope Leo XIII. On that day, he declared that “for thirty, forty, fifty years I have resisted to the best of my powers the spirit of liberalism in religion. Never did Holy Church need champions against it more sorely than now, when, alas! it is an error overspreading, as a snare, the whole earth.” According to Newman, what made liberalism so dangerous was that it stood directly counter to the principle of revelation, obedience to which was for him the very sum and substance of his life:

Liberalism in religion is the doctrine that there is no positive truth in religion, but that one creed is as good as another, and this is the teaching which is gaining substance and force daily. It is inconsistent with any recognition of any religion as *true*. It teaches that all are to be tolerated, for all are matters of opinion. Revealed religion is not a truth, but a sentiment and a taste; not an objective fact, not miraculous; and it is the right of each individual to make it say just what strikes his fancy. Devotion is not necessarily founded

on faith. Men may go to Protestant Churches and to Catholic, may get good from both and belong to neither. They may fraternize together in spiritual thoughts and feelings, without having any views at all of doctrine in common, or seeing the need of them.

Moreover, Newman fully realized that the shibboleth of “the Bible alone” would prove insufficient to guard the principle of revelation. Indeed, that was a key motive in his move away from the Evangelical theology in the first place while at Oriel College. Long before the publication in 1860 of *Essays and Reviews*, the famous collection of radical essays by seven Anglican liberals conceding the Bible’s inconsistencies, he saw how an exclusive reliance on the Bible would leave English Christianity defenseless against the onslaughts of secularism. As he said in a letter in the midst of the controversy unleashed by that notorious book:

The religion of England is “the Bible, the whole Bible, and nothing but the Bible”—the consequence is that to strike a blow at its inspiration, veracity, or canonicity is directly to aim at whatever there is of Christianity in the country. It is frightful to think where England would be, as regards Revelation, if it once got to disbelieve or to doubt the authority of Scripture. This is what makes [*Essays and Reviews*] so grave a matter—and the responsibility of those who have had to do with it so great.

What makes this observation so fascinating is that Newman had long been anticipating these Anglican liberals. Twenty-two years before the appearance of *Essays and Reviews*, and of course long before the Modernist crisis hit the Catholic Church in the decades following his death, Newman published his famous *Tract 85*. There he proved not only to be a brilliant expositor of Scripture, but also a prophetic social critic, for he clearly foresaw the implications for belief once the surface of the text was taken solely on its own terms without a robust prior obedience to Christianity’s revelatory basis. Even Turner notices this, although he draws back from seeing how sharp were Newman’s powers in predicting a coming infidelity within English Protestant Christianity.

Expanding upon the unsystematic character of Scripture, Newman highlighted the inconsistencies in both the Old and New Testaments. These included the two creation narratives in Genesis, the distinctions between God’s image and Adam’s image, the failure to identify the serpent in the Garden with the devil, the two accounts of

Abraham denying his wife, discrepancies between Deuteronomy and Exodus in the history of Moses and in the account of the commandments, and numerous other historical inconsistencies and conflicting dual narratives throughout the Old Testament. Within the New Testament, Newman noted the presence of only a single narrative of the raising of Lazarus, the different texts of the Sermon on the Mount in Matthew and Luke, accounts disagreeing about who bore the cross on the way to Calvary, discrepancies between Matthew and Acts over the death of Judas, and distinct accounts of the resurrection and ascension. Insisting that one portion of Scripture must supplement another, Newman urged, “As distinct portions of Scripture itself are apparently inconsistent with one another, yet are not really so, therefore it does not follow that Scripture and Catholic doctrine are at variance with each other, even if they too seem to be so.” Newman did not rest his argument at this point, however, but asserted that the logical outcome of any Protestant attempt to deny the scriptural validity of Catholic doctrine must result in “an invalidating of Scripture itself.”

Just as T. H. Huxley, the founding father of modern agnosticism, considered *Tract 85* to be a primer of unbelief, so too Turner appears to be blind to the fact that Newman’s acute recognition of the growing intellectual hold of agnosticism and atheism on the Victorian mind did not amount to an endorsement of those views. So with extraordinary insouciance Turner lumps into the same narrative mold agnostics like Huxley and Eliot and Catholic converts like Newman and Henry Edward Manning, simply because they had all abandoned their childhood Protestant faith. Most planes leaving the same airport end up in different cities, but for Turner the departure lounge strangely becomes more crucial than the destination. He really does seem to think that agnostics and Catholics are making the same religious journey, provided they begin their odyssey by first shucking evangelical religion:

The personal religious development of Newman of Oriel, rather than constituting either combat with a critical liberalism or a spiritual pilgrimage concluding in Roman Catholicism, as portrayed in the *Apologia*, more nearly resembled the typical pattern of Victorian loss of Protestant religious faith. The most fundamental religious experience of Newman’s life was his adolescent conversion to evangelical religion. His reception into the Roman Catholic Church

almost thirty years later represented the final step in what had been a long process of separation from that adolescent faith. That the conclusion of the process, which commenced in his mid-twenties, was Roman Catholicism does not make it any less a loss of evangelical faith than if, like others of his and later generations, he had ended in Unitarianism, like his brother Francis, or in agnosticism.

This bizarre thesis becomes even more peculiar when the author drags Friedrich Nietzsche into the business. He too, son and grandson of Lutheran parsons, started off as a pious, dutiful boy and then, to borrow Turner's words, followed "the typical pattern of Victorian loss of Protestant religious faith." "Typical pattern" indeed. Nietzsche went much further than that. As everyone knows, he became the most famous despiser of a Christian upbringing since the Roman Emperor Julian the Apostate abjured his own boyhood Christianity. For that reason, it would be hard to come up with two nineteenth-century intellectuals more at variance with each other than Newman and Nietzsche. Not for Turner, though. "Both Newman and Nietzsche," he says, "were reacting against Protestantism, which each often saw as deeply intermeshed with the wider Enlightenment hopes for human reason about which they were profoundly skeptical." True enough, I suppose, if one concentrates only on the most abstract and formal similarities. And both men certainly shared one substantive conviction: they each condemned liberal morality as a sham and saw it as mere bourgeois compassion-at-a-distance cloaking an underlying middle-class narcissism. But such similarities hardly make up an insight on which to build *this* thesis:

Late in the century, Nietzsche acutely quipped: "In England one must rehabilitate oneself after every little emancipation from theology by showing in a veritably awe-inspiring manner what a moral fanatic one is. That is the penance they pay over there." In rejecting evangelicalism, Victorian Protestants had to demonstrate that they had not changed their religion to relieve themselves of the morality that evangelicalism had so firmly embedded in the culture. Newman's quarrel with evangelical theology followed this pattern, even though unlike the more widely recognized doubters he was moving toward a more highly defined and articulated set of beliefs and practices. . . . Newman, no less than an honest doubter moving toward liberal Protestantism or some indeterminate spiritual religion, demonstrated the sincerity of his commitment to a religious outlook at odds with evangelicalism by

undertaking an extremely strict moral life involving celibacy, physical self-denial, and a highly regulated daily routine. . . . In that respect, Newman's personal moral rigorism fit, and indeed exceeded, the classic compensatory pattern for the Victorian doubter or unbeliever.

In other words, there is no substantive difference between the moral ideals of secular bourgeois domesticity and Tractarian attempts to revive fasting, auricular confession, and monastic life. (Turner, however, is willing to concede *this* difference to fasting: for him fasting is an eating disorder of "men encountering some conflict over sexual orientation.") But despite his attempt to tar fasting as a kind of Freudian anorexia, the real story for Turner always comes down to the mere act of departing from one's childhood Protestant upbringing, while the different goals toward which those various departures led matter hardly at all. Yet on such a near-total collapse of distinctions depends the entirety of his brief against Newman.

In this overlong book the Catholic Church becomes little more than a field on which Newman can work out his neuroses, playing out on the larger canvas of religious controversy a petty drama first begun at home. To establish his case, Turner must rely on, to coin a term, the Argument of a Thousand Subjunctives. I eventually grew weary trying to count up the number of times the author used words like "perhaps," "it is possible that," and "may" to shore up his case. At one point Turner even admits that his hypothesis has become entirely unmoored from fact: "The exploration of this issue, though both speculative and tendentious, is nonetheless invited by the documents." The "issue," if the reader can believe it, that Turner feels "invited" to ponder is the connection between Newman's devotion to the memory of his dead sister Mary (who had died at the age of nineteen when Newman was twenty-six) and his devotion to the Blessed Virgin Mary. But as with so many other empty speculations about the devotional life of those whose convictions we do not share, Turner makes an immense muddle of even his own "argument."

It seems possible that if Newman could convince himself that Marian devotion did not obscure the distinction between Creator and creature, then his intense affection for his own sister Mary had not challenged the decencies of family relationships. . . . (It is perhaps not insignificant that within the English Church the Virgin Mary was usually referred to as St. Mary.) Indeed, Newman's sustained criticism of what he regarded as excessive Marian devotion or Marian devotion carried out in bad taste may have been another way in which he protested that his love for his

own sister Mary had not exceeded the boundaries of good taste and morality.

If this passage were not ridiculous enough, on the very next page Turner compounds the nonsense, airily speculating that "Newman may have felt that in his escape from an English Church fallen into evangelical heresy he could also remove the beloved Mary from the turmoil and heresy of the Newman family and carry her to the safety of the monarchy of the Roman Catholic Church. There her virginity, which may have mystified and attracted him during her life, . . . stood protected and transformed from an object of temptation into one of safe devotion." Confronted with this farrago of subjunctive speculation, the reader cannot help but be led to his own speculations: What in Newman could inspire such tabloid-quality scholarship?

To answer this question, we must turn to Newman's writings themselves, which pose a profound challenge to liberals of every stripe—from Yale history professors to certain post-Vatican II dissenting Catholics. For all liberals, *the* stumbling block in Newman's work is his consistently held conviction that the act of faith allows no room *at all* for dissent or doubt.

Consider two remarkable and unjustly neglected sermons, "Faith and Doubt" and "Faith and Private Judgment," both delivered within four years of his conversion to Catholicism. In these writings Newman firmly rejects any role for either doubt or private judgment in the act of faith. Of course, he does not deny the darkness that a believer must penetrate in order to gain access to the unseen world. But for him, precisely because faith entails an act of trust it cannot deliberately and openly admit a moment of doubt without undermining and undercutting that trust. The very essence of faith requires a commitment, so that doubting becomes a form of, so to speak, hedging one's bets, of holding back one's commitment.

I must insist on this: faith implies a confidence in a man's mind, that the thing believed is really true; but, if it is once true, it never can be false. If it is true that God became man, what is the meaning of my anticipating a time when perhaps I shall not believe that God became man? This is nothing short of anticipating a time when I shall disbelieve a truth. And if I bargain to be allowed in time to come not to believe, or to doubt, that God became man, I am but asking to be allowed to doubt or disbelieve what I hold to be an eternal truth. I do not see the privilege of such a permission at all, or the meaning of wishing to secure it: if at present I have no doubt whatever about it, then I am but asking

leave to fall into error; if at present I have doubts about it, then I do not believe it at present, that is, I have not faith. . . . I may love by halves, I may obey by halves; I cannot believe by halves: either I have faith, or I have it not.

Note that Newman does not adopt this position because he represents the last dying gasp of the old theory that faith primarily means assent to dead propositions. Although Newman would of course agree that a Christian must affirm the truth of Christian propositions, justifying such a view is not the point of these sermons. Rather, Newman here emphasizes the logically and psychologically antithetical relation of trust and doubt:

Take an instance; what would you think of a friend whom you loved, who could bargain that, in spite of his present trust in you, he might be allowed some day to doubt you? Who, when a thought came into his mind, that you were playing a game with him, or that you were a knave, or a profligate, did not drive it from him with indignation, or laugh it away for its absurdity, but considered that he had an evident right to indulge it, nay, should be wanting in duty to himself, unless he did? . . . Give me for my friend one who will unite heart and hand with me, . . . and, if he is critical, as he may have cause to be toward a being of sin and imperfection, will be so from very love and loyalty, from an anxiety that I should always show to advantage, and a wish that others should love me as heartily as he does. I should not say a friend trusted me, who listened to every idle story against me; and I should like his absence better than his company, if he gravely told me that it was a duty he owed to himself to encourage his misgivings of my honor.

Liberal Catholics love to cite as their favorite Newmanian sound bite his line that "to live is to change, and to be perfect is to have changed often." Yet this famous tag line gives no berth whatever to either private judgment or dissent. This becomes especially clear in those passages where Newman makes explicit the link between the private judgment of the Bible so often defended by Protestants and the dissent of liberal Christians. Indeed in this passage his description of the attitude of Protestants toward the claim of the Roman Church to dictate how the faithful shall interpret Scripture sounds remarkably like a description of how liberal Catholics justify, in their minds, forming a party of "loyal opposition," of "faithful" dissent. He solemnly warns his "mixed congregation" in these unsparing terms:

Such is the only rational, consistent account of faith; but so far are Protestants from professing it, that they laugh at the very notion of it. They laugh at the notion itself of men pinning their faith (as they express themselves) upon Pope or Council; they think it simply superstitious and narrow-minded to profess to believe just what the Church believes, and to assent to whatever she will say in time to come on matters of doctrine. . . . They call it priestcraft to insist on this surrender of the reason, and superstition to make it.

True, Newman took for granted that the faithful had a role in the development of doctrine, that the laity should as a matter of course be “consulted” in moments when that development was reaching a point of being solemnly defined. But he certainly never would have urged the taking of a poll to “consult” the laity to determine doctrine. The point for Newman is that for both lay Christian and bishop *revelation is objective* and not a matter to twist and bend out of shape, by either the teaching or the learning Church. That is why three of the famous Notes for determining authentic development over against corruption in the *Development of Doctrine* are “Continuity of Principles,” “Logical Sequence,” and “Conservative Actions upon Its Past.” The Church can only consult the “faithful” if they are, in fact, *faithful*. The idea of “consulting” Catholics not in a state of grace would have struck Newman as grotesquely beyond the pale.

About the prophetic implications of these insights—for liberal Christianity in general and Anglicanism in particular—Professor Turner has nothing to say. Newman famously encapsulated his views on the consequences of religious ideas when he claimed in the *Apologia* that “there are but two alternatives, the way to Rome, and the way to Atheism: Anglicanism is the halfway house on the one side, and Liberalism is the halfway house on the other.” He was also convinced that those in the Church of England who resisted “going over” to Rome would sooner or later lapse into liberalism, which in turn would spell the end of Anglicanism. Which is why he could lament in a letter as early as 1831 that most Anglican churchmen were liberals, “and in saying this, I conceive I am saying almost as bad of them as can be said of any man.”

The reason for so harsh a judgment is that Newman could see a coming storm of dissent throughout all of Western Christendom, especially with the rise of an educated Christian public:

We live in a novel era—one in which there is an advance towards universal education. Men have

hitherto depended on others, and especially on the clergy, for religious truth; now each man attempts to judge for himself. Now, without meaning of course that Christianity is in itself opposed to free inquiry, still I think it is *in fact* at the present time opposed to the particular form which that liberty of thought has now assumed. Christianity is of faith, modesty, lowliness, subordination; but the spirit at work against it is one of latitudinarianism, indifferentism, republicanism, and schism, a spirit which tends to overthrow doctrine, as if the fruit of bigotry, and discipline as if the instrument of priestcraft.

Now obviously the future author of *The Idea of a University* is not here recommending obscurantism or an illiterate laity. But the tension between orthodoxy and obedience, on the one hand, and liberalism and free inquiry, on the other, meant that the Church was entering into a new and dangerous era. “The church party,” Newman ruefully admitted, was “poor in mental endowments,” and relied too much “on prejudice and bigotry.” That hardly meant, of course, that an uneducated faith was wrong. But it did mean that the Church needed great men who “alone can prove great ideas or grasp them,” since moral truths are “gained by patient study, by calm reflection, silently as the dew falls” and do not show well “in the argument of an hour.”

There can, then, be no doubt that Newman believed liberalism to be, at best, a simulacrum of Christianity, and at worst the severest challenge Christianity would ever face. And never more so than when liberals wave the banner of tolerance, pleading with the theological public to be civil and not to attack them with the full arsenal of Christian polemic: “As liberals are the bitterest persecutors,” he warned, “so denouncers of controversy are sure to proceed upon the most startling, irritating, blistering methods which the practice of their age furnishes.” For that reason Newman felt that liberalism would last at least as long as the heresy of Arianism (and in fact could be regarded as a kind of chronic, neo-Arian flu), precisely because as a simulacrum of Christianity it looks so similar to the real thing.

Take, for example, Newman’s famous toast to conscience over the Pope: “I shall drink—to the Pope, if you please—still to Conscience first, and to the Pope afterwards.” Liberals cite that so often for the very good reason that conscience is, in a strictly formal sense, a form of personal (hence private) judgment. Yet, for Newman, conscience was first and foremost the voice of *God* speaking to the soul, and as such it cannot admit of degrees, hedging, dissent, or private judgment regarding the contents of revelation.

None of which should be taken to imply that Newman would deny the existence of such a thing as what Garry Wills has called “papal sin,” still less episcopal sin. In fact, Newman’s theological analysis of hierarchical sin in the course of Church history throws unexpected light on the lamentable behavior of American bishops in the last three decades.

Just as Christ fulfilled the offices of Prophet, Priest, and King, so too the Church is called to continue those offices by the ministries of teaching revealed truth, sanctifying through the administration of rightly ordered sacraments, and ruling through ecclesiastical discipline and canon law. Although Christ fulfilled all these offices perfectly, doing so on the human plane, where the Church must operate, is, as the folk wisdom already knows, easier said than done. Parents face the same bind too, for they must be to their children simultaneously loving teachers, friends, and disciplinarians—and in a manner that cannot be duplicated by surrogates. As James Gaffney has recently written in an essay on Newman,

An absolutely perfect parent could, presumably, maintain a flawless balance among these different functions. But such parents do not exist. The same might be expected of a flawless church, but that does not exist either. . . . Being protected against dogmatic corruption is one thing. It is quite another thing to be exempted from the foibles and partialities, the knavery and folly of common humanity. . . . Over the broad span of Church history, instances could be found of any one of the Church’s functions working against the others. An obsessively theological church easily loses the fervor of piety. Excesses on the devotional side tempt theology to rationalize superstition. Exaggerated preoccupation with discipline generates repression of freedom both of thought and of spirituality. All of these things had happened, again and again, in the history of Roman Catholicism. In Newman’s view, this was, broadly speaking, simply inevitable.

Given what he said about sin from his days at Oriel until his death, there can be no doubt that Newman would adopt a “conservative” interpretation of the Church’s present crisis, insisting that she return to fidelity, in all its rigor, and to the moral norms for sexual behavior rooted in the New Testament. One of the reasons Newman defended the doctrine of Purgatory in his *Essay on Development* was because it would in the long run prove more suitable as a goad to moral rigorism than would constant preaching of the doctrine of the Atonement in Evangelical circles. And make no mistake about it, Newman was severe on the topic of sin, as he

made clear in his Anglican sermon “The State of Salvation,” preached to what must have been a very uncomfortable congregation:

If we do sin, we cease to be in that state of salvation: we fall back into a state resembling our original state of wrath, and must pass back again from wrath to grace (if it be so), as best we may, in such ways as God has appointed: whereas it is not an uncommon notion at this time, that a man may be an habitual sinner, and yet be in a state of salvation, and in the kingdom of grace. . . . They think that faith is all in all; that faith, if they have it, blots out their sins as fast as they commit them. They sin in distinct acts in the morning—their faith wipes all out; at noon, their faith still prevails; and in the evening—still the same.

What most bothered Newman about this emphasis was that it would eventually lead to the moral laxity of liberal Christianity—which is yet another point on which Professor Turner’s Newman has nothing to teach us.

Turner, the scrupulously liberal academic, no less than the legions of liberal Catholics who deny the sum and substance of the Catholic sacramental system, would have us believe that Newman was either one of them or a charlatan in his piety—or, revealingly, both. But the truth of the matter is quite different. To modern liberalism’s sundry protests, the historical Newman would have reacted with horror, derision, and disgust, for they undermine the very possibility of the orthodox faith to which his life was committed. Turner, for all his scholarly energies, winds up devoting over seven hundred pages trying to fit his subject into an interpretive framework that Newman would have considered the antithesis of everything he stood for. It is the same mistake Newman’s brother Francis made. Just two months before John Henry’s conversion to Rome, Francis wrote his brother, blithely telling him that if he were sincere in his convictions he would already have converted. Newman kept the letter and in the margin scrawled, “That I could be contemplating questions of Truth & Falseness never entered his imagination!”

Turner quotes both Frank’s letter and John’s marginal remark, all the while missing its point, just as Francis had done. But given Newman’s own keen powers of prophecy, the reader can at least draw this consolation: that Newman even predicted the pointlessness of books like Turner’s. With typical psychological insight, Newman made this telling comparison:

If, for instance, a person cannot open a door, or get a key into a lock, which he has done a hun-

dred times before, you know how apt he is to shake, and to rattle, and to force it, as if some great insult was offered him by its resistance: you know how surprised a wasp, or other large insect is, that he cannot get through a window-pane; such is the feeling of the Prejudiced Man

when we urge our objections—not softened by them at all, but exasperated the more.

There can be little doubt that Professor Turner is thoroughly exasperated with Newman. He certainly has written an exasperating book. FT

Ad Orientem

After Vigils I ponder whether death has won.
 Sitting in nocturnal blackness, I have been too
 much occupied with my hands, it being half-three
 in the morning. There is a sad candle used for
 light at the head of your dawn-bound casket. Five
 sorrowful mysteries twist 'round silent musics:
 Ave and Pater, my fingers towards heaven
 ascending; while thinking of the way you ate
 through a tube in your stomach—the most benign
 method available. But, night will soften
 and the faithful countenance of sun will brighten
 the penumbra of death (foul-breathed, sharp-fanged canine)
 and chase this rabid dog from our brother's crate.
 Ave and Pater, my fingers towards heaven
 ascending, meditating on metaphysics
 and these most glorious mysteries. Yes, the five
 which may hold a clue as to what this life is for.
 As Sun opens sleepy eye, he makes Lilith re-
 treat westward, screeching through the dark night. She goes to
 hide with hound in hell, knowing well that Light has won.

Matthew Stanford

Books In Review

The Atmospherics of Complexity

AMERICAN STUDIES. By LOUIS MENAND.
Farrar, Straus & Giroux. 306 pp. \$25.

Reviewed by Wilfred M. McClay

IT IS A RARE THING for a work of intellectual history to win a Pulitzer Prize. This is partly because of the inherently knotty and abstract character of the subject matter. But it is also, alas, because the field seems to attract more than its share of the world's most turgid writing. It is not clear why this should be so. There is nothing inherently boring about the interplay of ideas and history—far from it—and it seems incredible that intellectual historians should not be able to render that great human drama more compellingly.

Such a state of affairs goes a long way toward explaining the excitement many of us felt at the success, culminating in the garnering of a Pulitzer, enjoyed by Louis Menand's 2001 book *The Metaphysical Club: A Story of Ideas in America*. They said it couldn't be done, but Menand seemed to have done it, and made it look—well, not exactly easy, but far from impossible. With a supple and accessible prose style, a good portraitist's undogmatic sense of human psychology, a talent for explaining complex ideas simply, and a seemingly endless treasury of telling anecdotes and character sketches, Menand vividly brought to life the intellectual and cultural milieu of William James, Oliver Wendell

Holmes, Charles Sanders Peirce, and John Dewey, presenting their ideas as whole-souled human responses to the tribulations of their own lives, and to the challenges of post-Civil War America, rather than mere chalk-board abstractions. In so doing, he introduced a new generation of readers to the intense social web of discourse and experience that gave rise to what is called pragmatism.

Yet Menand's book was also found seriously wanting by its most knowledgeable readers, for reasons that could not be explained away by mere envy of its success (a force never to be underestimated in such matters). It was by no means clear, for example, that Menand's framing argument—that pragmatism's more cautious approach to truth claims was a reaction against the deadly certitudes that were deemed to have caused the Civil War—is sustainable, at least once one gets past the figure of Holmes. Nor was it clear that, in other respects, Holmes and Peirce were enough like James, or one another, or Dewey (who was much younger), to warrant their being brought together in so cozy an arrangement. These were not the Inklings, after all, or even the Fugitive poets. The short-lived *Metaphysical Club* was admittedly neither interested in metaphysics nor much of a club.

In the end, though, the chief problem with the book was the indebtedness of Menand's understanding of pragmatism to Richard Rorty, whose supervisory shadow hovered ever nearby, and whose influential version of James and Dewey makes them out to be postmodernists *avant la lettre*. In a word, *The Metaphysical Club*, for all its brilliance, projected a late-twentieth-century doctrine of programmatic epistemological blurriness backward onto pragmatism. Among other problems with such an approach, it does an injustice to Peirce, arguably the most enduringly important figure of the bunch, who was deeply

committed to the epistemological authority of science and the existence of objective truth, and who forcefully rejected the title of "pragmatist." To paraphrase Groucho, one should be wary of a club that counts among its members those who have declined to join.

ALL OF WHICH is to suggest that the success of *The Metaphysical Club* came at a price, and that one should not be surprised to see some of the same liabilities emerge in *American Studies*, a collection of essays on American intellectual and cultural life that Menand has published in various venues over the past couple of decades. All the essays are lucidly written, all make for pleasant reading, and almost all of them contain interesting observations about the subjects at hand. They embrace a wide, even wild, variety of subjects, ranging from longish scholarly essays about James and Holmes to shorter, breezier takes on *Rolling Stone* magazine and film critic Pauline Kael. One senses that there is a considerable intelligence at work here, a very American kind of intelligence, one that has a rare ability to engage the high without pedantry and the low without buffoonery.

But the whole tends to be less than some of the parts. The essays almost always draw back from making a compelling argument about the subject at hand. When one reads them in isolation, over a period of years, such a technique seems subtle and unforced, and even to evince a certain elegant reticence. But when they are read *en masse*, one sees the element of artifice at work, and the effect is quite different. One becomes suspicious of the too-easy resort to what might be called the atmospherics of complexity, in which the essay turns back on itself, dissolving all seeming certainties into a fog of paradoxes, while the author's ironic smile disappears, knowing and cheshire-cat-like, into the white

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space. One is meant to come away feeling that everyone else to date has viewed the matter under too simple a rubric. But there is nothing simpler, and less edifying, than a constant resort to "complexity."

The principled aversion to principle, then, the same position that was being commended in *The Metaphysical Club*, is constantly on display here. But the final effect is more enervating than stimulating. It comes across less as a philosophical position than as a stylistic tic or a pose, albeit a style perfectly suited to the unphilosophical pages of the *New Yorker*, where Menand often writes—a style in which epistemological uncertainty is the perfect accessory, the handbag of high fashion, and for which the creation of atmosphere is not merely a means to an end, but the end itself. The essays are eminently readable, but the pleasure is almost entirely in the experience of reading them, and not in anything one takes away.

Almost every essay has something to like in it. But almost every essay

also has something else that spoils the effect. In an essay on Holmes, for example, Menand does a good job of encapsulating his subject's body of thought, and captures something of the range of his mind. He is willing to be critical. But he chooses to ignore the devastating treatment of Holmes in Albert Alschuler's biography—no doubt a book too passionate for his tastes—and seems willfully blind to what was truly monstrous about the man. He is willing to find fault with Holmes' infamous *Buck v. Bell* opinion, for example, which supported the involuntary sterilization of the "feeble-minded." But he does so only on the grounds that Holmes' generation did not yet understand that there is such a thing as a "right of privacy," comparable to "the freedom of speech." One wonders for a moment whether Menand is kidding. Surely he doesn't believe that there is no other argument to be made, morally and legally, against such a barbarity, then and now. And surely any morally sensible reader will find it profoundly chilling to know that Holmes assured his friend Harold Laski that this decision ventured "near to the first principle of real reform."

A similar lapse occurs in Menand's essay on the "offputting" historian Christopher Lasch—obviously a dangerously overexcitable chap, who might have started a civil war if given a chance. Menand scores some points against Lasch, to be sure, who was better at criticism than at prescription, and whose praise for the populist political tradition was sometimes excessive, tending to gloss over the shadow side of that tradition. But he brushes aside Lasch's powerful attacks on the moral poverty of liberalism by blithely asserting, as if it were a statement as obvious as the nose on one's face, that "liberalism does have a moral conception of the self, which is embodied in the political doctrine of rights." Well, how nice to have had that cleared up for us. But there is no further elaboration on this apodictic

statement, and no clue as to why this very issue has been at the center of a swirling debate in the world of political philosophy for the past quarter century or more.

A DIFFERENT KIND of lapse occurs in Menand's contribution to that already vastly bloated genre, celebrations of the *New Yorker* magazine. To be sure, he is mildly and genially critical, just enough to keep credibility, and plays to the prevailing sense that the "old" *New Yorker* was somehow superior, though also the creature of a moment that has passed. But such criticism is a limited hang-out, a form of praising with faint damns. In the end, we are served up the same old line about the incorruptible integrity of the magazine, and its heroic transcendence of commercialism. We are assured of "the firm and enforced separation between the editorial and business sides of the *New Yorker*." But if that is so, how are we to make sense of this statement: "Ads for goods that were considered too down-market for *New Yorker* readers, such as ads for Sears, Roebuck, or that were deemed distasteful by [editor William] Shawn, such as ads for lingerie, were routinely rejected." How seriously do we take an "enforced separation" that was "routinely" violated?

Menand is on-target in identifying the *New Yorker* with a certain peculiar form of elitism, one of whose identifying characteristics is precisely its affectation of a bored disdain for elites. Trouble is, this comes perilously close to being Menand's own attitude, and being anti-anti-demotic is not quite the same thing as having a genuinely democratic cultural sensibility. Hence his surprisingly high regard for the garrulous film criticism of Pauline Kael: it's because her pose of anti-pretentiousness led her to tout movies that didn't *try* to be "art." Hence his own very similar observation, in an essay on CBS magnate William Paley, that "the banality of network television was the best

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thing about it.” Hence his utterly astonishing observation, in his *Rolling Stone* essay, that “authenticity is a high-culture problem,” one that consumers of popular culture never worry about—a baffling misperception that, I predict, would be readily refuted by an extended conversation with his own students.

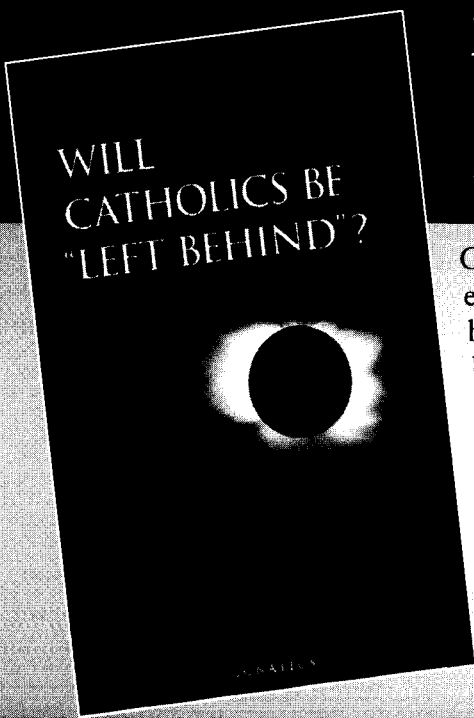
Perhaps the most indicative essay is the one on Milos Forman’s egregious film *The People vs. Larry Flynt*. To his credit, Menand utterly demolishes the film, and shows up all the ways in which it, and the people who lionized it, failed to tell the truth about Flynt and his sleazy empire. But he is not content to leave it at that. Some sort of moral equivalence between these noxious foes has to be struck: Jerry Falwell has to be strung up too. After all, he too has an evil empire, and strong, intransigent

beliefs, some of which are no doubt shared by ladies in Dubuque. Hence, the essay concludes that “the sexually explicit magazine industry and the televangelist fund-raising industry were . . . working opposite sides of the same street,” both being motivated by a level of cultural sex-obsession from which the rest of us ought to be liberated. In short, these two sickos deserve one another. A plague on both their houses. The rest of us, whose attitude toward sex is presumably more mature and low-key, would be better off without them both.

One could go on, but suffice it to say that every étude on Menand’s music stand has the words “ma non troppo” stamped over the tempo. To be sure, there are worse things. We can all agree, for example, that civil war is undesirable. But achiev-

ing genuine moderation is more than just a matter of identifying polar moral equivalencies and planting oneself in the middle of them. It involves some sense of the ends for the sake of which one pursues moderation; and those ends are not always adequately represented by the available options. Sometimes one must act boldly in such a way as to recalibrate the options, by bringing larger moral concerns into view—the very concerns that pragmatism tells us are unavailable. In his essay on Lasch, Menand refers to the Montgomery bus boycott of 1955-56 as “one of the noblest political events in American history.” He is right to say this, and he might also have added that it was a supremely moderate act. But its nobility did not consist only, or primarily, in its moderation.

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Taking Forgiveness Seriously

WOUNDS NOT HEALED BY TIME: THE POWER OF REPENTANCE AND FORGIVENESS. By SOLOMON SCHIMMEL. *Oxford University Press.* 265 pp. \$28.

Reviewed by Shalom Carmy

Jews ARE TAUGHT EARLY that the atonement of Yom Kippur must be preceded by the effort to reconcile with persons one has hurt, and that it is forbidden to be callous when approached for forgiveness. September afternoons in the schoolyards of my youth were filled with the merry voices of children soliciting the forgiveness of their peers for all outstanding offenses during the preceding year. Adults, by contrast, find the process of reconciliation neither natural nor perfunctory. Asking forgiveness and forgiving are among the most demanding tasks of moral and religious life, and, when achieved, among the most ruggedly satisfying.

Forgiveness is a hot topic in psychology, politics, and philosophy. The upsurge of interest is probably not due to an increase in the number of pious Jews and Christians striving to live up to their religious commitments. It stems, in large part, from the growing fear that grudges are too dangerous to leave lying around, and the world too small for us to just walk away from them. At the micro level, unresolved resentments embitter lives and destroy marriages, even as their residue poisons the aftermath of divorce for the survivors. The process of forgiving is therefore increasingly popular in therapy. On the world stage, it seems to many that lasting peace between former enemies cannot be achieved by decisive military superiority or mutual exhaustion alone, but requires the gestures of

reconciliation without which hatred smolders and renews itself. In the political realm, South Africa's experimental Commission on Truth and Reconciliation promises a new way of putting to rest a history of violence and oppression.

This new emphasis on forgiveness thus highlights areas where secular considerations encourage resort to moral values of traditional religious provenance. Forgiveness is more dubiously mobilized in the service of a psychology that rejects the idea of subjecting other people, or oneself, to blame. Moral resentment, according to this outlook, is irrational and unhealthy; its elimination, through the techniques of forgiving, is therapeutic. Practitioners of this approach often identify it with the teachings of Christianity.

As SOLOMON SCHIMMEL points out in his new book, *Wounds Not Healed by Time: The Power of Repentance and Forgiveness*, classical Judaism and Christianity both mandate forgiveness, and both value the execution of justice and the importance of genuine repentance on the part of the offender. Jews nevertheless tend to be suspicious of sweeping claims on behalf of radical forgiveness, whether explicitly Christian or secularized, on both psychological and normative grounds. Radical, unqualified, unilateral forgiveness is, by all accounts, an undertaking that stretches human nature to its limits, and beyond. As with all overwhelming ideals, forgiveness is fatally cheapened when it degenerates into lip service, or when it is invoked as a way to condemn other people's righteous resentment while leaving the advocate's own grudges unchallenged.

Even when a gesture of forgiving is authentic, one may question whether it is right to forgive a perpetrator who has not shown genuine contrition or struggled to make amends for injury done. The central place of deeds in Judaism entails that forgiveness is a

SHALOM CARMY teaches philosophy and Jewish Studies at Yeshiva University in New York.

morally empty formula when it is bestowed unilaterally on an unrepentant offender. There is truth in the Kantian insight that such forgiveness demeans the offender by not taking the offense, and the suffering it causes, with appropriate seriousness.

Jews often think differently than Christians on several related issues as well. Since Jewish atonement requires action on the part of guilty individuals, it is harder for Jews to ascribe meaning to collective absolution, where one group, through its recognized (or self-appointed) representatives, begs the pardon of a victimized group, also spoken for by its putative leaders. Since forgiveness must be requested of the injured person, it is harder for Jews to conceive of forgiveness conferred by third persons on behalf of dead victims, although the Halakah does recommend public cemetery confession in such cases. And because the effort to atone must be proportionate to the harm done, Judaism, though never locking the gates of repentance, keenly appreciates the great difficulty in obtaining forgiveness for horrible evils such as rape, torture, or chronic abusiveness. Jews are probably more likely to be skeptical of the notion that unilateral forgiveness and relinquishment of the demand for justice possess the irresistible inspirational power to transform evildoers into penitents.

Schimmel comes to this book as a psychologist who also teaches Jewish studies. His attempt to produce a Jewishly informed account of the psychology and ethics of forgiveness fills a real void in the literature on the subject. Schimmel's significant contribution is to sketch the Jewish and Christian approaches to forgiveness and repentance within the contemporary framework of interpersonal and intergroup relations, and with a philosopher's concern for precise vocabulary and clear exposition.

Despite the range of disciplines utilized in the book, its governing perspective is a pragmatic one, insisting

throughout on the need to balance forgiveness with justice. While Schimmel explains, to the best of his ability, and with considerable empathy, the pertinent teachings of Judaism and Christianity, he does not propose his own theoretical synthesis. Nor does he get bogged down debating with secularists the legitimacy of injecting

religious imperatives into secular discourse, or with theologians the possibility of transplanting religious categories to a secularized context. Overall the book moves from ethical analysis in the opening three chapters, touching upon revenge and justice and the nature and morality of forgiveness, to more specific applica-

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tions in interpersonal relations ("How to Forgive"), including the metaphorical uses of forgiveness in relation to oneself and God, the nature of repentance, and the achievement of reconciliation, with an epilogue on the author's visit to South Africa. The intellectual and therapeutic strands in the presentation are interwoven throughout the discussion.

WHILE THE MOST salient feature of Schimmel's position is his insistence on the legitimacy of retribution and the "active" conception of repentance, he makes several important observations about the language of forgiveness, drawing on the resources of analytic philosophy. Forgiving refers, he claims, to a variety of performances. "Internal forgiving" takes place when an individual lets go of resentful feelings and attitudes without interacting with the perpetrator;

"interpersonal forgiving" entails some transaction with the person forgiven. The advisability, morality, phenomenology, and dynamics of these two types of forgiveness require distinct treatment. Likewise, the word "forgive" is often used loosely to refer to phenomena better described in other terms. Forgiving is not identical with simply forgetting about an offense, finding an excuse or justification for the perpetrator, or even displaying mercy to the offender and pardoning him or her. Forgiving may culminate in reconciliation, but that is not always the case; and reconciliation does not entail that the past has been forgiven.

Carelessness with language leads to mistakes in describing what people are actually trying to do, and in prescribing what they ought to be doing. Attention to these linguistic points helps Schimmel avoid some of the confusions that have plagued other

psychologists. It also assists him in clarifying the notions of forgiving oneself and forgiving God. He regards these ideas as meaningless in the literal sense, since forgiving is not reflexive and traditional belief in God precludes His being the object of justified resentment. Having argued these points, Schimmel goes on to argue for the occasional therapeutic function of such metaphorical constructions.

Many readers will find Schimmel's presentation of Jewish perspectives the most enlightening feature of the book. His discussion of issues in Jewish law—for instance, the restoration of the criminal offender to his prior position in the community—is informative and valuable, despite minor inaccuracies traceable to reliance on secondary material. On the more strictly theological concepts connected with repentance, where systematic, detailed scholarly surveys are unavailable, he works at a fairly general level. Thus he alludes briefly to his sojourn in a yeshiva aligned with the Musar movement founded by Rabbi Israel Salanter in the nineteenth century, but does not consider the question raised by Salanter and his successors about the advisability of seeking forgiveness when the undertaking is liable to cause additional pain, by reopening old wounds or revealing incidents of which the victim had been unaware.

In relying on the twelfth-century Maimonides as the sole representative of medieval Jewish thought—an eminently safe choice—Schimmel neglects other writers on repentance. Less than a century after Maimonides, Rabbi Jonah of Gerona disagreed with his view that it is commendable to confess, on Yom Kippur, sins that had been repented the year before. One of Rabbi Jonah's arguments is that the repeated confession implies doubt regarding the efficacy of the first. While this dispute pertains to confession before God, the presuppositions about the psychological goals of repentance are relevant

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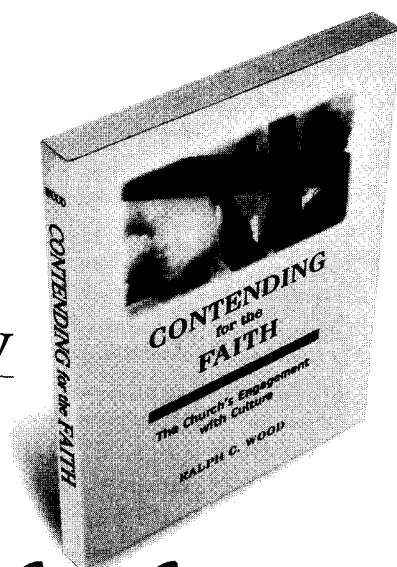
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Gideon Rose on A.J. Bacevich's *American Empire*

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to the interpersonal dimension as well.

The effort to achieve balance and fairness is typical of Schimmel's treatment of Christianity and of contemporary psychological approaches. Despite his Jewish agenda, he avoids stereotyping Christian views. Alert to the possibility that the excesses and indulgences of those who advocate radical, uncritical forgiveness may be due to misunderstanding of religious teachings, he quotes generously from the contemporary work of Christian psychologists and theologians, and goes back to Aquinas and the New Testament to demonstrate the complexity of Christian teaching in this area.

THE SURVEY OF THE psychological literature is lucid and free of jargon. Where Schimmel inserts his own opinions, which is often, he does so

straightforwardly. One of the most moving sections in the book comments on the experiences of Eric Lomax, who survived torture at the hands of the Japanese, only to be tormented for decades by an obsessive hatred of the Japanese translator who had served as the bridge between the agents of torture and their powerless victim. Forty years later, he recognized the photograph and story of the translator, who had devoted his life to penance for the acts he had witnessed. Lomax's memoir *The Railway Man* recounts their subsequent meeting and reconciliation. Ever the probing realist, Schimmel wonders whether the story could have had the same outcome if the Japanese had not been a bystander, but an active participant in the torture.

The narrative thrust of the book does not really focus on the lives of

individuals committed to governing their lives on the basis of explicit religious imperatives. Schimmel comes closest in the epilogue, where, in reporting on the South African experience, he tackles evils that are both horrific and communal in nature. It is a mark of his forthrightness that he acknowledges, tentatively and carefully, evidence counter to his expectations, associating the Truth and Reconciliation Commission with a lessening of rancor. A thicker account of religious convictions in action might also have looked at recent novels, such as Anne Tyler's *Saint Maybe* and J. M. Coetzee's *Disgrace*, which portray explicitly Christian characters who reject the comforts of what they view as unearned forgiveness, and search for ways of making repentance meaningful to those for whom it is not yet accessible as a living experience.

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The author maintains that "therapists, clergy, and pastoral counselors need to familiarize themselves with the philosophical, theological, and psychological literature on forgiveness if they intend to incorporate it into their practices constructively." For professional and layman alike, this thoughtful and accessible volume is a good place to start.

Prima Gratia

THE FIRST GRACE: REDISCOVERING THE NATURAL LAW IN A POST-CHRISTIAN WORLD. BY RUSSELL HITTINGER. ISI. 334 pp. \$24.95.

Reviewed by J. Budziszewski

THE INFORMING VISION of this important and subtly argued book is that man is not left to himself; there is no place on the planet, period of history, domain of conduct, or region of the mind where he can be separated from the relentless providence of God. Although faith is the first grace in the order of redemption, Russell Hittinger's title—*The First Grace: Rediscovering the Natural Law in a Post-Christian World*—refers to the broader order of providence, in which the "first grace" of natural law is irrevocable. In our rebellion we may be given up by God to our passions, but even this is not the same as to be thrown outside of His authority; it is a disciplinary penalty of the same natural law that we defy. According to Hittinger, the theory of natural law once knew such things. It sprouted and flourished in the garden of theology, rooted deeply in the doctrines of creation and providence. For complicated reasons, the groundskeepers of our time walled off the garden, but not before

taking cuttings from the flourishing theory, potting them, and turning them into a house plant. The author wants to set things right.

Hittinger says that his essays investigate "problems that arise once natural law is understood as free-floating with regard to authority, whether human or divine." The statement suggests three purposes for writing: to reorient natural law theory with respect to divine authority; to reorient it with respect to human authority; and to survey the symptoms of its late disorientation. Thus, in chapters one and two, he lovingly replants the theory of natural law in the garden of theology. In chapters three and four, he takes down the garden's enclosing wall, rejecting the idea that theology should be isolated from the study of statecraft or jurisprudence. In the remaining seven chapters, he returns to the windowsill to examine the potted cuttings, finding that when uprooted from its proper soil, the theory of natural law either withers or turns toxic. Although Hittinger writes from within Catholicism, Protestants have not been forgotten; a secondary motive in

writing is to persuade his evangelical readers that the separation of theology from Catholic thought about natural law has developed "only recently, and as an aberration." Along the way, he discusses not only the paradox that "contemporary Catholic thinkers who have no aversion to theology as such are reluctant to predicate 'law' properly of natural law," but also the endeavor of the papal magisterium to reassert the older tradition.

THE FOUR ESSAYS of section one, "Rediscovering the Natural Law," are so tightly knit that they could stand as a short book on their own, and I foresee them becoming a staple of graduate seminars. Hittinger first observes that natural law theory can be viewed as a theory of order either in the mind, in "things," or in the mind of God. Historically, the tradition has viewed the first and second foci as subordinate to the third. We are creatures; our human design and situation are not law itself, but rather the effect and the witness of law. Not only were our inclinations designed by the Creator, but our intellects reflect Him



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J. BUDZISZEWSKI is Professor of Government and Philosophy at the University of Texas at Austin, and author of *What We Can't Not Know: A Guide* (Spence, 2003).

in a yet more eminent way, for He governs rational beings differently than animals: we “participate” in the eternal law by which His providence governs the universe—receiving it, understanding it, and going on to make more law. Unfortunately, if we attempt to isolate the theory of natur-

al law from its theological basis, not only do we become unable to understand the natural law *as law*, but we lose sight of why the first principles of mind and things should matter. Our minds and urges seem laws unto themselves. The permanent features of our situation seem mere brute

facts—to be endured or, if possible, gotten around.

Even if we view the three foci rightly, says Hittinger, one may ask three kinds of questions about natural law: philosophical, like whether there really is a natural law; political, like how to distribute constitutional responsibilities to give natural law the fullest possible effect; or jurisprudential, like whether judges may appeal to the natural law directly. Debaters lamentably confuse the categories, reasoning for example that *if* there is a natural law (category one), then such things as rule of law, division of powers, and judicial restraint (categories two and three) go out the window. Against such confusion, Hittinger maintains that natural law demands the rule of law; prudence suggests that the rule of law is assisted by division of powers; and such division necessitates judicial restraint. Such corrections form part of a more general argument about how diverse authorities participate in a constitutional order under natural law. A paradox is that while prohibiting one use of natural law, judicial restraint requires another. No judge should usurp legislative power in its name, but apart from it, legislative intent cannot be fully ascertained.

In several instances one might question the author’s decision to place a topic in section two, “Natural Law and the Post-Christian World,” rather than section one. In particular, chapter five investigates the dangers of trying to protect natural rights by inserting them in constitutions without explaining what they mean. But if Hittinger is right (as I think he is), then under-specification is dangerous in *any* world. The rationale for the placement of the chapter appears to be that in post-Christian jurisprudence, when natural rights are viewed as an “authority-free zone,” the danger becomes still more acute. I think this rationale is sufficient, though it might have been more clearly explained.

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In most of Section Two, the selection of chapters is more clear. Chapter six considers another instance of under-specification—the alleged right to assisted suicide as an instance of the alleged general right to privacy—in order to find out how far we can demand a right “to be left alone” and still remain “civilized.” Paradoxically, at the same time that such a right weakens the *rationale* for the state by privatizing “judgments that indisputably belong to public authority,” it inflates the *liberty* of the state by implying that “some individuals [are] beyond the pale of common protections from the government itself.”

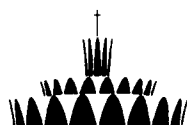
In chapter seven, where Hittinger considers the attitude of the U.S. Supreme Court toward religion, he finds that although the Court makes inconsistent legal arguments, the real and consistent basis of its decisions is the *extra-legal* view that religion is “divisive, coercive, irrational,” and resistant to objective definition. Hittinger’s contribution to the controversial FIRST THINGS symposium “The End of Democracy?” can be found in chapter eight, where he points out that the Supreme Court itself raised the symposium’s explosive question: it has “self-consciously staked its own legitimacy, and indeed the legitimacy of the constitutional ‘covenant,’” on an entirely novel view of itself as the exemplar of the general will. In chapter nine, Hittinger explores Christopher Dawson’s view that liberalism has been replaced and inverted by a technological order whose central feature is the replacement of the distinctive human act by the machine. For the book, the significance of this development is the practical challenge that it poses to the theory of natural law—a challenge for which there is “no history [and] . . . no precedent.”

THE CAPSTONE of the volume, chapter eleven, chronicles and celebrates the “decisive shift” of late nineteenth- and

twentieth-century Catholic natural law theory toward a new understanding of the relation between the state and the body politic—a shift that Hittinger finds paralleled in some Protestant thought of the period. Although previous theorists like Tocqueville had offered arguments in defense of civil society, most of them praised it only in instrumental terms—for its contribution to the good of the state. In the new view, it was the state that came to be seen as the instrumental good, its purpose “to protect the flourishing of societies other than the state itself.” This required a deepening analysis of the *intrinsic* value of the various kinds of bonds in civil society. Remarkably, Hittinger shows, Pope Leo XIII’s nineteenth-century brief for the associational rights of laborers in the encyclical *Rerum Novarum* “relies directly” on Thomas Aquinas’ thirteenth-century argument on behalf

of the newly formed mendicant orders in *Contra impugnantes*—a document Hittinger convincingly presents as “the first, or at least one of the first, systematic defenses of civil society.” As Hittinger summarizes Thomas’ argument, “to prevent free men and women from associating for the purpose of communicating gifts is contrary to the natural law. It is tantamount to denying rational creatures the perfection proper to their nature, and denying to the commonwealth goods it would not enjoy were it not for free associations.”

The contribution of *The First Grace* to Catholic moral theology should be plain, but it should be read at the other end of the churchyard as well. For some time, evangelicals have been seeking high and low for the materials of a public philosophy. Although they find the idea of natural law attractive, the only sort of natural law theory that Scripture-sensi-



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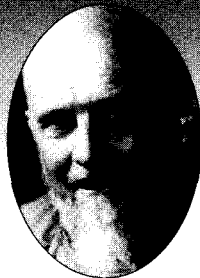
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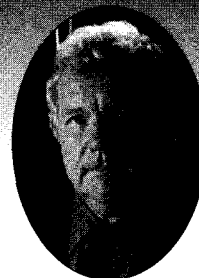
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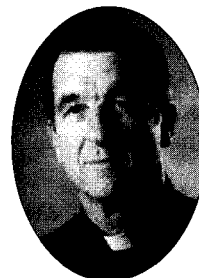
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tive Protestants could embrace would be the sort that Hittinger champions—one that acknowledges its rootedness in the providence of God. At the same time, such acknowledgment raises a problem for both evangelicals and Catholics. Just how persuasive to the public can a “public philosophy” be if it is rooted in considerations that large parts of the public reject? This, I suspect, is the reason why “even contemporary . . . thinkers who have no aversion to theology as such” hesitate to let it touch the theory of natural law. Yet there is a possible response to such hesitation. The case for public use of natural law theory is not that it constitutes a form of public speech, but that it offers theoretical guidance for public speech. One need not burden one’s neighbor with the *theory* of what is first in mind, things, and the mind of God—but one had better

know what is first in the neighbor’s mind.

ANOTHER COMPLICATION of the relation between theology and natural law turns up in chapter nine, which scrutinizes the liberty of religion through the lens of the Vatican II text *Dignitatis Humanae*. In Hittinger’s view, the document builds a two-story house—grounding general religious liberty on the dignity of man made in God’s image, but grounding the particular liberty of the Church on its divinely redemptive charter. It strikes me that both points appeal not to natural but to revealed theology. Of course natural theology has nothing to contribute to the second floor; it is silent about the Church. As to the first floor, it might be able to explain why human beings should be free to seek God, “if haply they might feel

after him, and find him” (Acts 17:27)—but post-Christian people find it hard to say what kinds of “feeling after” the “finding” might require. When religious liberty might mean almost anything, it threatens to mean almost nothing, so it is not surprising that the Church is at pains to refute theoretical errors like the so-called “neutrality” of liberalism or the *cuius regio* doctrine that the Church is “an organ of the state.”

Why Hittinger puts this argument in section two of the book is plain enough. But if one considers the deep and general importance of his underlying proposition, it deserves to be featured more prominently. In effect, he is claiming that by the light of natural reason, some natural rights turn out to be under-specified; to come into their own, they need the further light of special revelation.

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In short, the only significant difficulty with this brilliant and penetrating work of theology and philosophy is that it requires another—and the sooner, the better.

Reading the Old from the New

CHRISTIAN FIGURAL READING AND THE FASHIONING OF IDENTITY. By JOHN DAVID DAWSON. *University of California Press.* 302 pp. \$50.

Reviewed by Robert Louis Wilken

THE ARCAINE academic title of this book—*Christian Figural Reading and the Fashioning of Identity*—offers no

clue to its significance or timeliness. The phrase “Christian figural reading” refers to the Christian interpretation of the Old Testament. But for John David Dawson, professor of religion at Haverford College, the question of how Christians understand the Old Testament is not chiefly a matter of hermeneutics or interpretation, but rather of the relation of two communities, the Church and the Synagogue. Hence the title’s second phrase, the “fashioning of identity.”

At its core, the book addresses a question that has been pressed upon the Church in modern times: Can Christianity continue to make its traditional claim to be the fulfillment of biblical prophecy and at the same time recognize the ongoing significance of covenantal Judaism? Dawson does not approach the issue frontally, but by an examination of modern critiques of allegory—the classical exegetical technique employed by

Christians to interpret the Jewish Scriptures, the Christian Old Testament. This angular vision, Dawson’s sophistication about literary theory, and his knowledge of the ancient sources, particularly Origen of Alexandria, the first great Christian biblical scholar, make the book fresh and original.

Christian Figural Reading takes the form of a detailed discussion of three modern critics of allegory: Daniel Boyarin, a talmudic scholar who wrote a book on St. Paul; Erich Auerbach, a distinguished literary critic, a Jew, and the author of a minor classic, *Mimesis: The Representation of Reality in Western Literature*; and Hans Frei, the Christian theologian associated with the Yale school, best remembered for his *The Eclipse of Biblical Narrative*. Though Dawson presents trenchant criticisms of each thinker, what gives the book its charm and verve is his claim that Origen thought more deeply about the relation of Christianity to the Jewish Scriptures than have modern thinkers and as a consequence is an untapped intellectual resource for contemporary Christian thought. This is an ambitious agenda, and it is a mark of Dawson’s learning, intelligence, and boldness that he carries it off with aplomb.

In his book *A Radical Jew*, Boyarin claims that by dispensing with circumcision as a mark of identity Paul radically severed the new Christian community from Judaism. No matter how much Christians may speak about the “new” or “true” Israel, no convincing case can be made that Christianity is continuous with the Israelites without the covenantal, genealogical link to the Jewish people. The culprit here is allegory (a term used by St. Paul in Galatians 4), and Boyarin builds his argument on an analysis of key Pauline texts (for example, Romans 11 and 2 Corinthians 3) that establish a spiritual bond between ancient Israel and the Church through the interpretation of the law and the prophets. In Boyarin’s reading, Paul

ROBERT LOUIS WILKEN is the William R. Kenan, Jr. Professor of the History of Christianity at the University of Virginia.



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replaces terms that signify concrete things and persons with immaterial spiritual meanings that have no necessary relation to the things they signify. In Galatians 4, for example, Paul says that Abraham had two sons, a biological fact that implies physical genealogy, but Paul takes "son" to refer not to the physical descendants of Abraham but to spiritual heirs who share certain religious ideas (colored by Platonism, according to Boyarin)—for instance, a contrast between outer and inner, carnal and spiritual, letter and spirit. What is missing from Paul is the body that is the bearer of identity.

In his zeal to expose Paul's interpretation as arbitrary and contrived, Boyarin has, in Dawson's view, ignored what is most central to Paul—namely, the *person* of Christ, someone who was very much a body. As a witness to the Resurrection, Paul was not interested in ephemeral "meanings" that could be attached *ad libitum* to the ancient texts; rather, he sought to discover what the authoritative documents of his own religious tradition meant in light of the new thing that had happened in Christ. Like many biblical scholars, Boyarin attempts to interpret the New Testament without reference to the events that produced it in the first place, "the things that have been accomplished among us," in Luke's memorable words. Dawson puts it this way: "To read [the text] is not to replace one thing . . . with another . . . but to be brought into direct relation with the way reality, in its fullest sense, *is*." Allegory was made necessary because of what had come to be.

AUERBACH PRESENTS a more subtle challenge to the practice of allegory. More sympathetic to some forms of Christian interpretation, he recognizes that the gospel was generated by historical events, in particular the Resurrection. For Auerbach, however, as the earliest Christians sought to adapt the message to a wider audience it became detached from its Jew-

ish milieu and the Old Testament became a series of figures. When translated into a new idiom the story of Jesus became the story of the reactions to Jesus and opened the way for revisionist interpretations. It is not Jesus' Resurrection that counts but the way in which the disciples experi-

enced the significance of Jesus' Resurrection. As an allegorical reading of the text took root within Christianity, history dissolved into a nebulous spiritual world divorced from the realistic narrative of the Scriptures. The otherness of history is swallowed up in subjectivity.



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While acknowledging the inevitability of "subjectivity," Dawson proposes, following Origen, that a better term is "transformation." What is the point of interpretation if not to bring the events of the past into the present and to change the life of the believer? The newness brought by the event is not a newness that exists for itself in historical isolation. The new event changes the nature of the first event (for example, the Exodus from Egypt) because the first event is now set into a new context, something we know from first-hand experience. Further, the second event is not just an idea but an occurrence that is never wholly past but always remains present. "For Origen," says Dawson, "what is historical is an occurrence, and the ethical task is to read in a way that allows or enables that occurrence to 'happen' again for the present-day reader." What happened happened "for us," and as it is received it changes who we are.

Because liberal biblical scholarship attached free-floating meanings to events without any intrinsic connection between the event and the meaning (in the axiom of Rudolf Bult-

mann, Christ is risen in the kerygma), Hans Frei saw an affinity between historical criticism and allegory. The parallel is far-fetched for the obvious reason, which Dawson does not note, that classical Christian allegory took place within the context of the Church's tradition as formed by the liturgy and disciplined by the creeds. Subjectivity there was, but of a kind that led readers more deeply into the mystery; it did not seduce them with something alien.

Frei was correct, however, about the deficiencies of modern biblical criticism. During the last two centuries, as the history that was thought to undergird the Scriptures became wobbly or, in the eyes of some, collapsed, arguments were manufactured to preserve the meaning (that is, new life) while dispensing with the history (Resurrection). Inevitably, the "meaning" of the Scripture acquired a life of its own independent of the person of Christ. Nevertheless, Dawson is dissatisfied with Frei's project and in the final pages of the book returns again to Origen in search of a better way.

Among Origen's writings is a sermon on Exodus 34, the veiling of

Moses. Origen interprets the account in Exodus with the help of Luke's telling of the Transfiguration. On Mt. Tabor, Moses and Elijah beheld the unveiled face of the transfigured Jesus. Yet most Christians, says Origen (he has in mind those to whom he is preaching), still have a veil over their faces. Even now, he says, "we are not able to look at the glory in [Christ's] countenance." Origen draws a contrast not between Jews and Christians (one veiled, the other not), but between those who have turned wholly to the Lord, namely Moses and Elijah, and those who have not. For Origen, then, the key to the text is spiritual discernment and transformation.

Frei offers a very different reading of the same passage in the conclusion of *The Identity of Christ*. While Frei, like Origen, sees in Moses a prototypical Christian believer, he finds the metaphor of "self-veiling" to be far more appropriate to depict Christian knowledge of God than "unveiling." What troubles Frei is that if one accents the transformation of the believer as Origen does, Christ's presence can too easily become a presence that is not Christ's own, but one "diffused into humanity by becoming one with it." Hence he takes the veil to be a metaphor for distance and remove. In his view the spiritual interpretation of the Bible is an act of hubris, an attempt to remove the veil and gain access to what we cannot know.

Origen, a much more audacious thinker and spiritual guide than Frei, knew that embracing Christ brought forth a life of continual transformation that led not only to the Cross but also to the Resurrection. When Jesus said, "Where I am going you cannot come *now*," he did not mean the Cross but the glorified life of the Resurrection in which Christ will be seen with unveiled eyes. Frei, by contrast, thought one could not see beyond the Cross. "Only Christ's dying, not his now living to God," can be ours. Hence there remains an "everlasting

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veil" between him and us. The disciple always follows at a distance. "The life he lives to God," writes Frei, "is not accessible to us, although it is mirrored in all life."

ALL THIS MAY SEEM far removed from where the book began, but Dawson remains true to his original quest. "The overwhelming presumption of classical Christian figural reading . . . is that the Christian Bible is read Christianly when it is seen to depict the ongoing historical outworkings of a divine intention to transform humanity over the course of time." The Christian Bible is a book of the working out of divine agency in the history of Israel, the story of Jesus of Nazareth, and the calling together of a new community, the Church. If God has chosen to lead men and women to a new way of living through these occurrences, certain Jewish beliefs and practices can no longer have the same significance for Christians.

One concludes Dawson's book wishing that he had drawn out the implications of his argument and taken up more explicitly the questions posed in the introduction about the relation of Christianity to Judaism. Several centuries after Origen, Pope Leo the Great said that "To speak of our Lord, the son of the blessed Virgin Mary, as true and perfect man, is of no value to us if we do not believe that he is descended from the line of ancestors set out in the Gospel." Any discussion of the Christian relation to Judaism and the Jewish people turns on the Jewishness of Jesus and of his first followers. Even Maimonides understood that it was one thing to anticipate the Messianic age at some time in the distant future, but something else to claim that it had already begun. Because the things proclaimed by the prophets had taken place in their time, the disciples of Jesus believed that the end of the ages had dawned, and when they opened the sacred books anew the ancient oracles could not be read as earlier genera-

tions had read them. The Messianic age was not marked by catastrophic events as had been expected. When the Messiah comes, wrote Maimonides, "the world will follow its normal course." For this reason the words of the prophets about, for example, a peaceable kingdom in which "the wolf shall live with the lamb, the leopard shall lie down with the kid" (Isaiah 11) are to be taken "figuratively." Likewise, expressions used in connection with the Messiah must be understood "metaphorically."

In the end, this is the argument that Origen made to his Jewish critics (and to Christian chiliasts): their view of what it means for the prophecies to be fulfilled is too restricted. He cheerfully acknowledged that the words of the prophets had not been fulfilled in the way many had envisioned. Yet something had happened—not only in the mind, but in the world of space and time. In Origen's words: "The word of God itself, that Wisdom of God, . . . came to exist within the circumscribed limits of a man who appeared in Judea." Christian interpreters did not impose an evanescent superstructure on the text without

root in history or experience. They shunned a strictly literal or historical reading of the law and the prophets, not because they preferred spirit to history, but because they were members of a community that attended to a new series of historical events. If Jesus of Nazareth was the Messiah, the prophecies about the Messianic age had already been fulfilled, and it was the task of the earliest Christians to discover what the scriptural promises meant in light of this new fact. Paradoxically, the spiritual sense *was* the historical sense.

BRIEFLY NOTED

KNOWING THE LOVE OF CHRIST: AN INTRODUCTION TO THE THEOLOGY OF ST. THOMAS AQUINAS. By MICHAEL DAUPHINAIS and MATTHEW LEVERING. *University of Notre Dame Press.* 146 pp. \$14 paper.

In the Prologue of the *Summa Theologiae*, Thomas Aquinas set forth his intent in the words of the Apostle, "As unto little ones in Christ, I gave you

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milk to drink, not meat" (1 Corinthians 3:1). The *Summa* would treat of what belongs to the Christian religion "in a way that tends to the instruction of beginners." When he abruptly stopped writing this sprawling work in Naples shortly before his death in 1274, he had already covered some five hundred questions and three thousand articles. Seminary libraries have never lacked for synopses, excerpts, and textbooks that promise to make Thomas even more amenable to "beginners." Some of this literature is beneficial, usually to the extent that it is not for beginners. Michael Dauphinais and Matthew Levering have written an introduction to the theology of St. Thomas that is genuinely useful. Written in ordinary prose, without the clutter of scholarly apparatus, it is more than a merely pious or catechetical summary. The authors made an unusual, even daring, decision to highlight the

scriptural texts that form the living spine of Thomas' theology. Thus, the reader is given a vivid sense of the scriptural word as something more than an ornament of scholastic dialectic. As the authors put it, we need to see Thomas' mind "in conversation with Christ as Teacher." Thomas, they observe, believed that Christ teaches a "radically new kind of wisdom" that corrects and completes the sciences and wisdoms of the world. His theology is covered in eight relatively brief chapters, roughly corresponding to the order of the *Summa*. Wisely, Dauphinais and Levering do not pretend to give an exact map of the work. So, although Thomas treats the natural and supernatural virtues in different parts of the *Summa*, here they are treated in tandem. Similarly, the offices of Christ as prophet, priest, and king are made to illuminate the material on law and grace. In the *Summa* the reader has to move

through more than two hundred questions for the full integration of these themes. A book of this kind has to telescope more extended discussions in order to keep the story moving, yet without making the ideas look thrown together. In this case, the authors succeeded.

—Russell Hittinger

LAW AND PROTESTANTISM: THE LEGAL TRADITIONS OF THE LUTHERAN REFORMATION. By JOHN WITTE, JR. *Cambridge University Press*. 337 pp. \$23 paper.

Any writer wishing to assess the social effects of the Lutheran Reformation must take into account the familiar criticism that Lutherans were quietistic and thus socially conservative. John Witte, Jr., Jonas Robitscher Professor of Law at Emory University, answers this criticism with a richly detailed historical analysis of the legal contributions of the Lutheran Reformation to European jurisprudence and the evolution of the modern state. As early as his 1520 *Treatise on Good Works*, Luther recognized that protecting the discipline and welfare of the *corpus Christianorum* requires a just civil law and its impartial application by the magistrate and the courts. In carrying out this responsibility, Lutherans adapted received Catholic canon law and the procedures of ecclesiastical courts to the civil realm. However, there were also ideas that were truly new. The traditional spiritual idealization of poverty in church vocations and the Catholic notion of the Church as itself an object of charity were, for example, replaced by the demand that family, Church, and state work together to relieve the burdens of poverty through the "community chest" administered by the local magistrate. Also new was the imperative that the state must teach literacy to both boys and girls—a radical innovation that follows from the Protestant principles of *sola scriptura* and *fides explicata*. Witte has written an



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informative and learned treatise on the development of law that should exercise a considerable influence.

— *Walter Sundberg*

THE AMERICAN CAUSE. By RUSSELL KIRK. Edited with a new introduction by GLEAVES WHITNEY. *ISI*. 172 pp. \$9.95.

First published in 1956 at the height of the Cold War, this rather modest tome was intended as a defense of the things that have made America worth defending. Outlining the moral, political, and economic principles that have historically undergirded the United States, Kirk (1918-1994) contrasts them with the "armed doctrine" of fanatic ideology, whether represented by the Communists and Nazis of the twentieth century or the French Jacobins of the eighteenth century. Much water has gone under the bridge in the American social, political, and moral climate since this book first appeared, and much of it not for the better. All the same, this volume is a welcome reminder of what is good and worthwhile in our heritage, and it is hoped that, in the post-September 11 era, some strength still might be drawn from that tradition.

— *Jeff McAlister*

ENEMIES OF THE STATE: PERSONAL STORIES FROM THE GULAG. Edited by DONALD T. CRITCHLOW. *Ivan R. Dee*. 276 pp. \$26.

The Soviet Union, China, and Cuba. The Communist Gulag tortured and killed more human beings than any institution in human history. Mass murderer that he was, Stalin said one death is a tragedy, a million deaths a statistic. *Enemies of the State* liberates human beings, one by one, from the statistics of horror. The stories told and retold here are from the 1920s up through the present, and they make for painful but necessary read-

ing. The ten authors speak for themselves, and for the millions who can no longer speak for themselves. What they have to say we must never forget.

GOD AND THE CONSTITUTION: CHRISTIANITY AND AMERICAN POLITICS. By PAUL MARSHALL. *Rowman & Littlefield*. 193 pp. \$27.95.

To anyone who is in political office or involved in public policy and advocacy and who is uncertain about the ways in which religion and politics should mix, as they inevitably do mix: waste no time in getting and reading this book. It is an eminently readable and well-informed statement of the basics, which, if learned and practiced, might renew the political task envisioned by the Founders.

CATHOLIC SOCIAL TEACHING. By CHARLES E. CURRAN. *Georgetown University Press*. 260 pp. \$19.95 paper.

A historical and theological analysis beginning with Leo XIII's *Rerum Novarum* in 1891 and going through

this pontificate, with special attention to the pastoral letters of the U.S. bishops. Curran clearly identifies himself with the "liberal progressive" wing of Catholic thought and does not fudge his dissent from magisterial teaching, especially on questions of sexuality. His chief foil is the group of usual suspects called neoconservative. Allowing for his admittedly partisan bias, this is a generally calm and useful account of Catholic social doctrine.

THE YOUNGER EVANGELICALS. By ROBERT E. WEBBER. *Baker*. 288 pp. \$15.99 paper.

A generally positive assessment of younger evangelicals, who are distinguished from "traditional" evangelicals (1950-1975) and "pragmatic" evangelicals (1975-2000). The former were preoccupied with defending the rationality of the Christian worldview, and the latter with the personal and societal uses of Christianity. Younger evangelicals want to engage the culture and redeem the world, and are also more deeply rooted in the orthodoxy of the ancient creeds. Such

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schematizations invite skepticism, but, to the extent he is right, Webber bears good news. The title is, of course, a variation on Richard Quebedeaux's influential 1974 book, *The Young Evangelicals*.

BY THE HAND OF MORMON: THE AMERICAN SCRIPTURE THAT LAUNCHED A NEW WORLD RELIGION. By TERRY L. GIVENS. *Oxford University Press*. 320 pp. \$30.

A carefully documented and sympathetic account of the origins, teachings, and current interpretations of the Book of Mormon. The author engages most of the conventional criticisms by non-Mormon scholars in a manner that is probably as persuasive as is possible, given that the criticisms are so many and so substantive. While Mormonism is inextricably entangled with the Christian tradition, the author recognizes that, as the subtitle indicates, it is a new religion.

IN GOD'S TIME: THE BIBLE AND THE FUTURE. By CRAIG C. HILL. *Eerdmans*. 231 pp. \$16 paper.

The author, who is professor of New Testament at Wesley Theological Seminary in Washington, D.C., was as a young man deeply immersed in the dispensationalist fevers of "Bible prophecy." "Three theology degrees later," as he puts it, he has quite fully recovered. Books such as Daniel and Revelation, he argues, are not about prophetic "foresight" but about prophetic "insight," and are to be understood in terms of a "realized eschatology" that empowers us to work at making the world a better place. Hill writes in an accessible, often somewhat breezy, manner, but the reader is left wondering whether he has not overreacted against his youthful follies. Absent anything

about the future in a book subtitled "The Bible and the Future," the author fails to make a convincing case that paying attention to the apocalyptic literature is worth one's time.

THE REBIRTH OF ORTHODOXY. By THOMAS C. ODEN. *HarperSanFrancisco*. 212 pp. \$24.95.

Methodist theologian Oden, a champion of confessional renewal in the oldline Protestant communions, argues that that effort is part of a more widespread recovery of vibrant religious tradition, also in Catholicism and Judaism. Oden has himself traveled many of the byways of theological liberalism, and the present book is charged with a sense of rediscovering the main road, which he hopefully depicts as the way beyond the seductions of modern and post-modern fallacies. A well informed, readable, and vibrantly faith-filled diagnosis of changes that may portend a more promising future.

THE JUSTIFICATION READER. By THOMAS C. ODEN. *Eerdmans*. 181 pp. \$18 paper.

Many Protestants and many Catholics agree that the Reformation, and Luther in particular, preached a gospel very different from what had been preached in prior centuries. The Protestants claim he rediscovered the gospel preached by St. Paul, and the Catholics say he invented a gospel contrary to Scripture and tradition. Professor Oden responds that they're both wrong. He guides the reader through the early Church Fathers, who, he says, proclaimed a gospel of justification by grace through faith. This Oden describes as the "consensual" teaching of the Great Tradition, and this little book should provoke both Protestants and

Catholics to reconsider their entrenched positions.

WHEN GOD SAYS WAR IS RIGHT. By DARRELL COLE. *Waterbrook (Random House)*. 160 pp. \$10.95 paper.

The title is strident and was, one suspects, the publisher's idea. The argument, which expands on the author's FT article ("Good Wars," October 2001), is a sober and bracing defense of classic just war thinking in relation to the current war on terrorism.

WHAT WERE THE CRUSADES? By JONATHAN RILEY-SMITH. *Ignatius*. 128 pp. \$11.95 paper.

Thanks to Islamism, the subject of the Crusades has gained new currency, indeed urgency. This is the third edition of a very useful introduction to the crusading enterprise by a distinguished professor of history at Cambridge. Who were the Crusaders, what did they believe they were doing, what were the moral legitimations of their cause? These and other questions are addressed, and the book includes a helpful annotated bibliography for the reader who wants to learn more.

THE HUMAN WISDOM OF ST. THOMAS AQUINAS. By JOSEF PIEPER. Translated by Drostan MacLaren. *Ignatius*. 108 pp. \$10.95 paper.

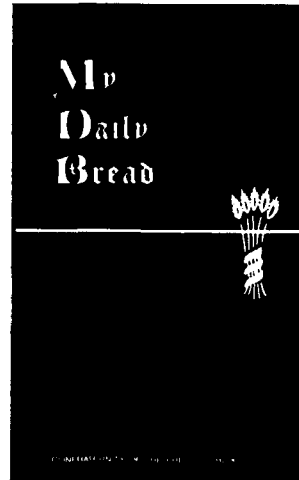
When in the trenches of World War I, the renowned philosopher Josef Pieper inspired in his fellow soldiers an interest in Thomas. They wanted to know more, so he put together this delightfully useful little florilegium of Thomas' sentences on how and what we can know. It should be welcomed by those who know, as well as by those who want to know, the thought of Thomas Aquinas.

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Richard John Neuhaus

WILD MORALISTS IN THE ANIMAL KINGDOM

Prejudice gets a very bad press, but one cannot live without it. On numerous questions, we have all made judgments that are “pre” our present encounter with the question. “No, thank you, I do not care for broccoli; and no, I’m not interested in revisiting the question.” Not all such questions are as important as broccoli. It has been brought to my attention that some readers think vegetarianism is so manifestly and self-evidently wrongheaded that, after rejecting it upon first encounter, one would be a moral idiot to give it a second thought. The occasion for such outbursts is my essay in *National Review* (December 31, 2002) on Matthew Scully’s recent book, *Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy*. Why, I am asked, do I even take the time to read such a book, never mind write an essay on it? Vegetarians, fruitarians, animal rightists, tree huggers. Don’t I know they’re a company of crazies, cranks, and puling adolescents of all ages who major in moral minors in order to divert attention from what in their lives they really *should* feel guilty about? Well, not quite.

It is true that I’m a paid-up subscriber to the robust and emphatically embodied view of life. With Chesterton, I think it not sacrilegious but persuasive analogy to envision the end of life’s journey in terms of an eternal convivium, with a thick steak, a pint of ale, and a good cigar in a particularly comfortable

country inn, and with the best of friends, of course. With due respect to the saints who are, an ascetic like the desert fathers I am not. Moreover, I have to work at containing my impatience with people who are not content with the perpetual monitoring of their moral pulse, but are eager to help me out by monitoring mine as well. More sensitive than thee or me, they can be counted upon to rain their distress upon the threatening appearance of almost any happiness—other than theirs in winning the self-bestowed prize for superior scrupulosity. Such people are simply too sensitive for decent company. I do not say we should go out of our way to offend their sensibilities, but a little tweaking is sometimes in order.

So why, then, did I treat Mr. Scully’s book with such respect? The answer is that it is, for the most part, a book that makes serious arguments. Too many arguments, no doubt. It is unfortunate that his editor was on vacation, leaving the text to go chasing after every forensic hare in excurses that run over the tops and around the bends of subjects sometimes remotely related to the case he wants to make. The best part of the book, which is written from an expressly Christian and conservative way of looking at the world, is his contention that the morality of the humane treatment of animals rests not—as the “animal rights” theorists such as Peter Singer would have it—on animals being equal to human beings but precisely on their being unequal and therefore so very dependent and vulnerable. That’s why the subtitle speaks of “the call to mercy” rather than “the call to justice,” although Scully does, against his better instincts, end up entangling himself in some of the esoterica of the animal rights theorizing. Most pertinent to public policy is his polemic against industrial, or containment, farming. He visited some huge pig plants in North Carolina and what he reports is unpleasant in the extreme. “If you could walk all of humanity through one of these places,” he writes, “90 percent would never touch meat again.” That’s hyperbolic, but in a cause deserving of notice.

Conversations with Sammy

In terms of the egregious infliction of pain, it would seem that present practices in industrial farming constitute cruelty to animals and beg for regulative attention. Scully makes a persuasive case that the same must be said of many laboratory experiments with animals. Egregious means unnecessary, but, in the view of Scully and those of like mind, all raising of animals for food is egregious, since it is not absolutely necessary to eat meat. Most everybody understands what is meant by the infliction of pain. If that is the question, then the discussion turns to if and in what ways animals experience pain, and from there it can move to finding less painful, or even painless, methods of using animals for food. But cruelty is only one part of the argument. Another is the "deprivation" experienced by animals who are denied the living out of their natural propensities. Here the argument gets very wobbly, appealing to sentimentality and anthropomorphisms by which we are asked to imagine how we would feel if people did to us what people do to those pigs and Frank Perdue's chickens. I, for one, wouldn't like it at all. But I am inclined to doubt that pigs or chickens or, for that matter, mosquitoes have a life plan that anybody is frustrating.

I take second place to nobody when it comes to sentimentality about animals. Well, about some animals. My dog Sammy the Second, for instance. (Sammy the First died some years ago.) She has a pleasantly inflated view of my virtues, and she gives abundant evidence of sensations for which I cannot help but use words such as pleasure, fear, devotion, guilt, and hunger. Mainly hunger—for food and for affirmation, in that order. I have been caught in the act of discussing with her subjects both mundane and recondite. For example, the consciousness of animals. I am not embarrassed to say that I find these discussions with Sammy very rewarding, although, admittedly, I supply the best lines. I would not think of having her for dinner, and anybody who threatens her harm will have to deal with both of us, although more ominously with her. Neither would I think of extrapolating from my playfully and unabashedly embroidered relationship with Sammy to construct moral imperatives for humanity's responsibility toward the animal kingdom. There's not much more to be said about it than that she's a lucky dog. I'm happy with the arrangement, and, so far as I can tell, she is brimming over with happiness in her doggy mode of being.

There are deeper dimensions worth exploring, of course. It is spiritually salutary to be reminded that we, along with Sammy and all the other animals, are creatures. Which is another way of saying that we are

not God. Consider this fine passage from St. Augustine's *Confessions*:

"And what is this God?" I asked the earth and it answered: "I am not He," and all the things that are on the earth confessed the same answer. I asked the sea and the deeps and the creeping things with living souls, and they replied, "We are not your God. Look above us." I asked the blowing breezes, and the universal air with all its inhabitants answered: "I am not God." I asked the heaven, the sun, the moon, the stars, and "No," they said, "we are not the God for whom you are looking." And I said to all those things which stand about the gates of my senses: "Tell me something about my God, you who are not He. Tell me something about Him." And they cried out in a loud voice: "He made us."

He made all of us animals, and to us human animals he gave a most particular charge, as we read in the first chapter of Genesis: "Then God said, 'Let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps upon the earth.'" There are some intriguing discussions among the rabbis and early teachers of the Church as to whether Adam and Eve were vegetarians before the Fall. Or maybe everybody was vegetarian up until Noah and his family came out of the ark and, as we read in Genesis 9, the mandate assumed a darker hue: "The fear and the dread of you shall be upon every beast of the earth, and upon every bird of the air, upon everything that creeps on the ground and all the fish of the sea; into your hand they are delivered. Every moving thing that lives shall be food for you; and as I gave you the green plants, I give you everything."

Escaping Complicity

They all cry out, "He made us." And we cry in response, "He made us too." But why and for what? Among other things, for food. Or so it would seem. St. Augustine was not a vegetarian. As was St. Francis of Assisi—who is reputed to have understood most deeply the mysterious connections between ourselves and our fellow animals—not a vegetarian. Many people today are vegetarians, or vegans, as those of the strict observance commonly call themselves. There is no agreement on how many, but it is said the number is growing. If by vegetarian is meant someone who *never* eats meat or fish or fowl, it's probably one or two percent of the American population. That number is cut very sharply if vegetarianism includes a prohibition

of animal products such as milk, cheese, and eggs.
And, of course, leather and fur.

One cannot fault the consistency of those who, determined to escape complicity in the slaughter, put their dogs and cats on a vegetarian diet. There is much debate about this in vegan circles. The conclusion seems to be that it makes some owners feel better about themselves, and their pets very sick. The quest for absolute purity is a relentless master, and the doctrinal disputes and distinctions embroiling the vegan world are like the infightings of a religious sect, which in some ways it is. I see there are also websites run by ex-vegans, apostates as it were, who left the fold chiefly for health reasons. There are even not very good ex-vegan jokes. For instance, Q: How many vegans does it take to screw in a light bulb? A: Three; one to do the work and two to anguish over how many animals are killed by the habitat destruction necessary for extracting the minerals required to manufacture a light bulb.

The temptation to mock the hyper-sensitive, while not completely resistible, should be indulged within limits. I would seriously question the moral curiosity, if not intelligence, of anyone who has not given some thought to the rightness of our raising and hunting animals for food. When it came to butchering time on Rud Biesenthal's farm and Big Jack, the prize hog, was whacked on the head with a sledgehammer and then hung upside down by a chain pulley to have his throat slit and be bled before he was lowered into a boiling cauldron to scald off the hair, this twelve-year-old had deep thoughts about our right to pork chops and bacon. Such reactions are not to be brushed aside as juvenile squeamishness but should be thought through with care. The purpose of thinking something through is to arrive at a judgment. A judgment is subject to change in the face of convincing argument or evidence, but it is a judgment. Which means it is the alternative to crippling and guilt-ridden indecision.

A Testimony to Hope

To be well adjusted to the world as it is is not an indication of moral or spiritual health. A friend who agrees that vegan ideology cannot be lived consistently and is not a practicable means for alleviating the sorry state of the world nonetheless follows a fairly rigorous vegetarian diet. It is, she says, a matter of witness to a future promise. Remember the Peaceable Kingdom envisioned by Isaiah:

For behold, I create new heavens
and a new earth;
and the former things shall not be
remembered
or come to mind. . . .

The wolf and the lamb shall feed
together,
the lion shall eat straw like the ox;
and dust shall be the serpent's
food.

They shall not hurt or destroy
in all my holy mountain,
says the Lord.

My friend's vegetarianism is not a program of action but a testament of hope and is, I think, to be honored as such. Her purpose is not to lay a guilt trip on others nor to assert her superior sensibilities, but to remind us, and herself first of all, that in a fallen world we are to be yearning for a reality rightly ordered, as in "new heavens and a new earth." She is not discouraged by the knowledge that her witness runs counter to the way things are. That's the point of witness. She knows and can appreciate the story about the zookeeper who was famous for having trained a lion and a lamb to live peacefully together. "How do you do it?" asked an admirer. "It's simple," said the zookeeper. "Every morning a fresh lamb."

Vegetarianism in its myriad versions will not, and I think should not, become the rule. Not an inch can be given to the nastier elements in the animal rights movements that employ violence against people to enforce gentleness toward other creatures. We human beings will, to put it bluntly, continue to kill. We will continue to raise and hunt animals for food, and continue to cull deer and Canada geese that invade our living spaces. The Humane Society and the National Audubon Society, the cat people and the bird people, will continue to go to court on opposing sides over what is to be done about the 100 million cats (including strays) who kill billions of birds and other life forms each year. Few will develop qualms about exterminating rats, and even fewer will fret, as did the reviewer of Scully's book in the *New York Times Book Review*, about the pain we inflict upon the vegetables we eat. Most people are aware of the ways in which many animals are dependent upon human beings, and the huge role that the domestication of animals, also for food, plays in our history and theirs. There are, I am told, fifty million dogs in America while wolves are numbered in the thousands. If, as some urge, we adopted a more natural approach and let dogs be dogs and wolves be wolves, I expect those numbers would be fairly quickly reversed. It is not evident that this would be to anybody's benefit, except maybe for the wolves.

Red in Tooth and Claw

If we stopped eating meat, entire species would quickly become extinct. For instance, almost nobody

raises pigs for the pleasure of their company. Moreover, if left on their own, millions upon millions of animals would die more brutal deaths at the hands of a nature red in tooth and claw. There is an element of sadness in the death of a deer shot by a hunter. It is not quite the horror of a deer ripped apart by a pack of coyotes. Many hunters—and this may go back to our primordial roots—practice little rituals of respect for the life that is taken. In a similar vein, it is not entirely whimsical that at table we acknowledge with thanks the animal and vegetable life that makes possible our meal. “He made us,” they might well have said, and we readily agree. He made them to be Sunday dinner, and we are grateful.

Consideration should be given also to the countless small field animals that would be killed in order to cultivate enough grain to feed a nation, never mind a world, of vegans. The toll would be, some estimate, much greater than the number of lives now taken for meat. He made those field animals, too. Nor can we dismiss as trivial the part that gastronomy and other social conventions associated with feasting play in the civilizing of the human animal. True, our vegan friends boast of culinary developments with meatless delicacies, but I am inclined to be skeptical. And, because I am unpersuaded by their moral arguments, I feel no need to work at overcoming my skepticism.

There is undoubtedly a shadow of sadness over the complex patterns of cooperation, competition, and conflict in the animal kingdom for which we, of all the animals, have been commissioned to care. We—along with snails, cockroaches, rodents, leopards, cats, tuna, and mosquitoes—are caught up in a web of creaturely life marked by deprivation and bounded by inevitable death. We alone, however, can be, and are called to be, humane. That capacity and that call require, as noted above, a closer look at the practices of industrial farming as described by Scully and many others.

Lacrimae rerum. The tears of things. Karl Barth, the most influential Protestant theologian of the past century, wrote that those who dismiss empathy with our fellow animals as childish or sentimental “are themselves subjects for tears.” He went on to say:

The world of animals and plants forms the indispensable living background to the living space divinely allotted to man and placed under his control. As they live, so can he. He is not set up as lord over the earth, but as lord on the earth which is already furnished with these creatures. Animals and plants do not belong to him; they and the whole earth can belong only to God. But he takes precedence over them.

They are provided for his use. They are his “means of life.” The meaning of the basis of this distinction consists in the fact that he is the animal creature to whom God reveals, entrusts, and binds Himself within the rest of creation, with whom He makes common cause in the course of a particular history which is neither that of an animal nor a plant, in whose life-activity He expects a conscious and deliberate recognition of His honor, mercy, and power. Hence the higher necessity of his life, and his right to that lordship and control. He can exercise it only in the responsibility thus conferred upon him.

Barth offers this caution, however: “If we try to bring animal and vegetable life too close to human, or even class them together, we can hardly avoid the danger of regarding and treating human life, even when we really want to help, from the aspect of the animal and vegetable, and therefore in a way which is not really apposite.” And, of course, that is exactly what happens with animal rightists such as Peter Singer who condemn as “speciesism” our insistence upon the singular dignity of the human. The hope for a more humane world, including the more humane treatment of animals, is premised upon what is denied by Singer and his like. Barth’s point is nicely caught in Abraham Joshua Heschel’s statement, “Man is both the cantor and the caretaker of the creation.”

Life Feeding on Life

Lacrimae rerum. There is much to weep about. But it is a sin to permit our tears to drown out our song of gratitude and joy in the gift of creation. Yet it is true that—whether at the level of the animal, vegetable, or microbiological—the order of creation is that life feeds on life. That rule is universal and immutable. The most we can do by changing our habits is to decide not to feed on some forms of life, which decisions will always have about them an element of arbitrariness, producing the guilt-tripping and sectarian disputes that mark communities of disordered scrupulosity. Whether life fed on life before that unfortunate afternoon in the Garden of Eden, I do not know, but I cannot imagine how it could have been any other way. The same must be said of whether the universal rule will hold in the New Jerusalem. The revealed indicators are that things will be radically different, so radically different as to elude our wildest imaginings. We will, please God, find out in due course. Meanwhile, we are creatures in a creation caught up in a perpetual dance of life with death, and of death with life.

Vegetarianism and related moral impulses go way back to belief systems very different from ours, most of which have a very different understanding of creation and of what it means to be a creature. And, it follows, very different understandings of the Creator. In the sixth century B.C., Pythagoras and his followers embraced the kinship of all animals, apparently believing in the transmigration of souls or a form of reincarnationalism along the lines affirmed by many Buddhists, Hindus, and Jains to this day. Some eighteenth-century Enlightenment figures, such as Voltaire, praised vegetarianism, as did Shelley, Thoreau, Tolstoy, and George Bernard Shaw. Seventh-day Adventists are strong proponents, as are the people who live in the strange afterglow of Madame Besant and Theosophy. Frequently their cause is joined to the campaign against alcohol and smoking, which is yet another indicator, in my judgment, of moral reasoning gone awry. At the risk of being provocative, one notes that the most prominent vegetarian, and enemy of smoking and drinking, in the twentieth century was Adolf Hitler. As best one can tell from his muddled remarks on the subject, it had to do with not compromising the genetic superiority of his bodily fluids.

According to the admirable eleventh edition of the *Encyclopaedia Britannica*, "Racial Improvement" was an important part of the vegetarian movement as typically promoted by, for instance, the Order of the Golden Age at the beginning of the twentieth century. The *Encyclopaedia* explains: "On the ground that the aim of every prosperous community should be to have a large proportion of hardy country yeomen, and that horticulture and agriculture demand such a high ratio of labor, as compared with feeding and breeding cattle . . . the country population would be greatly increased by the substitution of a fruit and vegetable for an animal dietary." That seems terribly dated a century later when agricultural technology has made farming anything but labor intensive. On the other hand, authors such as Scully suggest it is a reasonable compromise to eat only animals who are raised in the old-fashioned way, commonly called "free farming," and, if that practice really caught on, one could imagine a revival of the racial improvement argument. Although it is likely that Mexican immigrants would be the chief beneficiaries of the improvement.

Rebels Against Creaturehood

It is evident, then, that agitations over what we should and should not do with our fellow animals encompass a wide array of beliefs and concerns, from the transmigration of souls to eugenics to the preservation of species to questions of diet and health.

If I believed in reincarnation and thought that this excellent broiled chicken may have been the temporary residence of Aunt Agatha, I wouldn't touch it. But I don't believe that. Nor do I share a belief, or call it a disposition, that is evident in people as various as Voltaire, Shaw, Tolstoy, Besant, and the members of the Order of the Golden Age. They have in common a disorder that, in the Christian tradition, has been called gnosticism or angelism. They are in rebellion against their creatureliness—in many cases because they have a big problem with being subject to the Creator. Angels are pure spirits, and gnostics are inclined to the view that the essential self is a divine spark only temporarily trapped in vulgar flesh. We are neither angels nor divine sparks.

There are revolutionary rebels against creaturehood who propose utopian schemes for achieving a higher level of existence. There are resigned rebels who stoically endure the unacceptable. Much more numerous are the guilt-ridden rebels, who apparently gain a measure of relief by making others feel guilty as well. To feel guilty about being a creature is a species of pride. All life feeds on life. Creatures have teeth and claws and instruments for grasping at one end and organs of excretion at the other. That, too, is what it means to be embodied. Our creaturely life is marked by sin, but it is no sin to be a creature. Knowing that we are creatures is the cause not of guilt but of gratitude. In Christ, God became one of us. Knowing that we are human creatures is also to know that we alone of all the animals are called to responsibility. We are to exercise dominion, to care and to take care. We will continue to deliberate and debate about what that requires in terms of public policy. For the living of their own lives, different people will make different decisions. And, please God, in our disagreements, both public and personal, over what it means to be humane toward nonhuman animals and other life forms, we will strive to be humane also toward one another.

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ISRAEL 55 YEARS LATER

Among the hottest of hot buttons in public discussion is the Israeli-Palestinian conflict. Unlikely alliances are formed and friendships broken over the position one takes. It has been that way for more than half a century, and today only more so. The ill-fated Oslo Accords of a decade ago supposedly settled the

question of whether Jews are legitimately at home in Israel. But the Palestinians and their supporters continue to insist on the "right of return" for all refugees, which would reduce Jews to being an imperiled minority in Israel and is not, in fact, all that much different from the older Arab call—still heard today—to "drive them into the sea." It would be the end of Israel, certainly the end of Israel as a Jewish state.

At the same time, Israel's settlements policy and the threat of permanently taking over Palestinian territory poses the same problems of a non-Jewish majority. If, in that case, Israel remained a democracy with universal franchise, the Jews would soon be swamped. The alternative would be to abandon democracy and establish a regime comparable to apartheid. It is a dreadful and continuing conundrum for which it seems nobody has a convincing answer. Perhaps a year or so from now the aftermath of the Iraqi regime change will vindicate the Bush Administration's hopes for a democratic insurgency in that part of the world that will make a real peace between Israel and its neighbors possible. Meanwhile, among most non-Jewish intellectuals in this country, and much more so in Europe, sentiment is strongly on the side of the Palestinians.

Reviewing *L'Imparfait du Présent* by Alain Finkelkraut, a French intellectual of controversially independent views, in the *Times Literary Supplement*, Henri Astier says, "The public-spirited citizen of today is at heart a prosecutor: his aim is to punish evildoers. As Finkelkraut observes, his model is Robespierre, the scourge of tyrants." It is hard to depict Palestinians, and easy to depict Israelis, as the oppressing tyrant. Terrorism, including the horror of suicide bombings, is employed to underscore the desperation of the dominated. There is disagreement about just how, but there is no doubt that the poison of anti-Semitism is a significant part of the anti-Israel line. Astier writes, "Finkelkraut has no sympathy for Israeli hardliners—they too stand in the way of peace by refusing to share the land. He repeatedly laments their barely concealed gloating over the breakdown of the Oslo process. But while European progressives condemn Israeli intransigence, they gloss over Palestinian radicalism. What name, Finkelkraut asks, should be given to this 'inextinguishable animosity' against Israel? Here Finkelkraut's analysis indirectly sheds light on a recent transatlantic misunderstanding. American conservative commentators, such as Charles Krauthammer, have pointed to the vilification of Israel across Europe and to recent attacks against synagogues, particularly in France, accusing Europeans of returning to their old, anti-Semitic ways. Is this fair?"

"Finkelkraut points out that the new anti-Semitism is very different from the old type. Progressive anti-Semites condemn Israel not in the name of a racist ideology, but in the name of anti-Nazism. In their minds, the Jews have turned into their former oppressors. Finkelkraut quotes a French commentator referring to Israel's 'push to the East'—a reference to Hitler's *Drang nach Osten*. He could also have quoted the Portuguese writer and Nobel Laureate José Saramago, who invoked the 'spirit of Auschwitz' in depicting the horrors inflicted by Israel. Finkelkraut is right, Krauthammer wrong: today's anti-Semitism is not fascist. It speaks the language of the oppressed, not of domination—and it is all the more fervid for it."

More fervid than Nazi anti-Semitism? That seems doubtful. Moreover, as Krauthammer understands, the old anti-Semitism also exploited the language of the oppressed—e.g., the German majority allegedly oppressed by a relatively small minority of Jews. The Nazi goal was not to dominate but to eliminate the Jews. Finkelkraut and Astier are right about the way in which today's public citizen understands himself as a Robespierre-like scourge of tyrants, and how that leads to favoring the Palestinians against the Israelis. But Krauthammer is right that the specifically anti-Semitic component of that view is an old and familiar enemy.

The state of Israel was formally established on May 14, 1948. Whatever one may think of the justice or injustice of its establishment fifty-five years ago, there will be no secure peace in the Middle East until its neighbors accept Israel as an irreversible fact. It is possible they never will, or at least will not in the next fifty or seventy-five years. In which case it is possible that a battle-wearied and demoralized Israel will not endure. If that happens, I believe the record will show that those in the West who kept alive the idea of the reversibility of 1948 did so by nurturing and exploiting the anti-Semitism that precipitated the creation of Israel in the first place.

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We were grateful that the transition to a new printer went without a hitch. Or so we thought. Now it turns out that some (we don't know how many) copies of the March issue are missing the last eight pages. If you were among those hit by this error, please call or e-mail Publishing Management Associates (815-398-8569; subscriberservices@pma-inc.net) and a new copy will be sent you right away.

THE CATHOLIC CENTER

At the end of last month's installment of this continuing rumination on Catholic trials and tribulations, I spoke of the Catholic center, asserting that "The center holds." Is that more than a rhetorical ploy? After all, people who take a position generally like to claim that their position constitutes the center. Having taken a stand at the center, one then defines the "extremes," usually described in terms of left and right, liberal and conservative. To be sure, there are minorities who gladly identify themselves as being out of the mainstream and do not blanch at being called extreme. They style themselves revolutionaries or reactionaries, the avant garde or defenders of the ancien régime. But, as I say, they are a minority. For purposes of persuading others, and usually by conviction, most of us are inclined to present our position as considered, thoughtful, and moderate. Our moderation is certified by our making clear beyond doubt that we eschew this extreme, on the one hand, and that extreme, on the other. *Le centre c'est moi!*

At the same time, we want it understood that ours is not the Laodicean center of Revelation 3. "I know your works; you are neither cold nor hot. Would that you were cold or hot. . . . I will spew you out of my mouth." No, our center is—to borrow Arthur Schlesinger, Jr.'s phrase with reference to American politics—the *vital center*. Conservatives insist that their adherence to magisterial teaching is a *vibrant* orthodoxy, while liberals describe their dissent as being "in the Catholic tradition." Please, do not describe my position as hot, in the sense of overheated or fanatical. But neither is it cold, in the sense of conventional or unfeeling. It is warm, as in welcoming. It is cool, as in composed and unruffled. Tired of the contentiousness of extremes in conflict? Welcome to the center.

Once upon a time, before the Second Vatican Council, there were "good Catholics" and "bad Catholics," but everybody knew what it meant to be a Catholic. Now it seems that everything is up for grabs, and in the resulting confusions contesting parties vie for the treasured turf called the center. On the left and on the right, we hear people claiming to be "beyond" the old categories of left and right, liberal and conservative. These are the beyondists. They are usually liberals running away from the sour smell of liberalism far beyond its sell-by date. And beyondists are sometimes conservatives wanting to distance themselves from the stereotypes of conservatism. In either case, they typically represent only more of what they say they are beyond. The language of beyondism has to do not with substance but with salesmanship.

Beyondism keeps returning us to where the arguments began.

*I often think it's comical
How nature always does contrive
That every boy and every gal,
That's born into the world alive,
Is either a little Liberal,
Or else a little Conservative!*

W. S. Gilbert didn't have it quite right. We may not be born one way or the other, but having reached the point of taking sides, few of us get beyond it. Yes, it is true that in the 1960s I was viewed as a liberal, but I was a liberal for conservative reasons. When over a long period of time it was made clear to me that my position was untenable (I will not bore you with the details, but it had to do most importantly with the division of the house over abortion), I did not move beyond liberal and conservative. I became a conservative, or at least what some persist in calling a neoconservative. If someone proposes to you a position that is beyond left and right, you can be almost certain he's peddling a gussied-up liberalism or conservatism. Beyondism is a shell game.

Parties in Conflict

Disputes in the Church are different from disputes in the arena of secular politics, although not so different as one might like to think. I venture the suggestion, however, that, in trying to understand the intra-Catholic disputes of the forty years since the Council, it is more helpful to think in terms of two parties: the party of discontinuity and the party of continuity. The party of discontinuity has both right-wing and left-wing branches, but they are united in their agreement that the Council represented a decisive break in the story of the Catholic Church. The one sees the Council as deviation or even apostasy; the other sees the Council as liberation or even revolution. Both see the Council as a break from what had gone before; both speak of a pre-Vatican II Church and a post-Vatican II Church, as though there are two churches; both are highly critical of the Church's leadership, and of this pontificate in particular—the one because John Paul II has failed to restore what was, and the other because it thinks he is trying to do just that. Such are the two branches of the party of discontinuity. We might call them the discontinuants.

The rightists in the party of discontinuity are most graphically represented by the late Marcel Lefebvre and his followers. Having participated in the Council as a bishop, Lefebvre came to the conviction that the Council was heretical and he went into schism, being

excommunicated by Rome, after the Holy See's most arduous efforts to avoid a final break, in 1988. Lefebvrists in the Society of St. Pius X are to be found around the world, and have their American headquarters in Kansas City. Some on the right of the party of discontinuity are "sedevacantists"—from *sede vacante*, meaning "the see is vacant." They believe John Paul II is an imposter, as was Paul VI before him. They have photos showing that the left ear lobe of Giovanni Battista Montini is very different from the left ear lobe shown in photos of Paul VI, or something like that. In the twilight zones of the Internet, sedevacantism is conveniently linked to websites about Elvis sightings.

Discontinuants of a rightist bent are usually not so radical in their views. They include people who say, sotto voce, that Vatican II was a mistake; some thinking it was a catastrophe, others a wrong turn, and yet others a severe bump in the road. They say such things sotto voce because the Catholicism they want to repristinate provides no doctrinal resources to justify the claim that Vatican II was simply illegitimate. In their view, the Council was, at the very least, unnecessary. Two councils were quite enough: Trent to definitively rebut the Protestant heretics, and Vatican I to declare papal infallibility, which would then be sufficient for dealing with all future contingencies. John XXIII's decision to call a council, they believe, was not an inspiration but a wild impulse that a wiser man would have stifled. Discontinuants of the right generally stay in the Church—there being nowhere to go except into the Lefebvre Land of schism—but not without a steady rumble of grumbling.

The Catholic Moment That Was

Representative is a recent column by Pat Buchanan, for whom Vatican II was somewhere between catastrophe and wrong turn. He lists all the things that have gone wrong in the Church since the Council, and it is an impressive list indeed. When in 1987 I published *The Catholic Moment*, Mr. Buchanan sent me a copy of a book he had just published with the inscription, "I too believe in the Catholic moment. It was forty years ago and is not likely to happen again." That earlier Catholic moment, as his column says, was one of full seminaries and full convents, of a burgeoning system of health care and schools, of colleges and universities intellectually committed to Catholic truth, of crowded pews, big families, and a church celebrated by Hollywood and the world to the ringing of *The Bells of St. Mary's*. Witness now a church dispirited and divided, riddled by scandal and led by bishops who, if they are not on the edge of resigning in disgrace, are sheepishly employed in giving

depositions, trying to explain why they didn't do what they should have done about their clerical buddies who couldn't keep their pants zipped around little boys.

Buchanan's depiction is very grim, so grim as to be a caricature. As also, many will protest, is his depiction of the good old days too glowing. But caricatures that carry weight with many thoughtful people are not woven out of whole cloth. In his critique of the Council, Buchanan and many others commit the fallacy of *post hoc ergo propter hoc*—it happened after the Council, therefore it happened because of the Council. But the Council was not responsible for John F. Kennedy and the doctrine, approved by the Houston council of Baptist ministers, that a Catholic in public life should be indifferent to the teachings of the Church. The Council did not produce the sixties, although it did "open the Church's windows to the world" just when the world was going crazy. An intriguing "what if" exercise is to ask what would have happened if the Council had been held ten years earlier. In any event, I am convinced that the discontinuants of the right are wrong to blame the Council. To say that a council is infallible, which it is, is not to say that a council is omniscient, which it isn't. There are a good many Council fathers who, in subsequent years, have made no secret of their wish that some documents had been worded differently in order to avoid misunderstanding and deliberate misconstrual. But the responsibility for what has gone wrong—and much has gone wrong, along with much that has gone right—rests solidly with the discontinuants of the left.

Think about it. For almost forty years, the leftist branch of the party of discontinuity has been agitating the same old issues, all of which come down to sex, power, and freedom understood as license. They have been at it so long that their cause has the stature of a tradition, of which they are the traditionalists. Originally fired by memories of the real or imagined oppressions and constrictions of the "pre-Vatican II Church," in their senescence they grumble about "conservative" younger Catholics, including younger priests, who are excited by John Paul II and the challenge of living the high adventure of a Catholicism freshly discovered and two generations removed from the bitter quarrels between the Pat Buchanans and Richard McBriens over whether the years before the Council were the good old days or the bad old days. The traditionalists of the discontinuant left keep scratching the same old sores.

First there was contraception, and with the orchestrated assault on the 1968 encyclical *Humanae Vitae* they won A Famous Victory. Not a victory in changing the Church's teaching, of course, but a

victory in persuading many, perhaps most, Catholics that they can ignore such teaching with spiritual impunity. In this they were greatly aided by supine prelates who learned to turn a blind eye to dissent and deviance more generally, one of the consequences of which is detailed in the files of your local prosecutor. After contraception, there was agitation for married priests, then for priestesses, then for the moral approval of buggery. And, all along, the demand for the “democratizing” of church government, sometimes called power-sharing, which, being translated, means the quest for power. Sex, power, and license drove the discontinuant cause of the left, which no doubt still inspires some as, toddling about the nursing home garden, they reminisce about grand battles past.

In lucid moments, they know they have lost on the issues. The discipline of celibacy is precisely that, a discipline and not a doctrine. It conceivably could be made optional, in which case I believe it would be very exceptional and under the shadow of suspicion of sexual deviance. In the wake of the scandals the determination of the Church’s leadership, both here and in Rome, is to strengthen, not weaken, the discipline of celibacy understood as perfect and perpetual continence. On ordaining women, twenty centuries of tradition, reaffirmed by this pontificate in a manner that the Congregation for the Doctrine of the Faith terms infallible, says that the Church is simply not authorized to do it. Even were there a doubt, the Church cannot ordain in doubt without jeopardizing the entire sacramental economy. And it would be the end of any hope for reconciliation with Orthodoxy, for, if there is anything certain in history, it is certain that the Orthodox will never ordain women. Likewise, to declare that homosexual acts are rightly ordered according to law both natural and divine would be a reversal of millennia of unanimous teaching. It will not happen. One says that with the same confidence that one says two plus two will never equal five, or that the sun will rise tomorrow, or that the Catholic Church will continue to be the Catholic Church, or that the promise of Jesus that he will send the Spirit to lead and keep the Church in the truth can be trusted.

So the leftist party of discontinuity has lost on its chosen issues. There is still power-sharing, however, and it is evident that over the centuries there have been varying rules and patterns of government in the Church. Bishops have been elected by popular acclaim. Remember Ambrose in Milan. But that was a very long time ago. I see that in a recent column Father Richard McBrien of Notre Dame writes, “Those who advocate for a more accountable and responsible pastoral leadership are not innovators. For various

reasons, this element got lost in the ecclesiastical shuffle during the Second Christian Millennium when the Catholic Church became more deliberately monarchical in structure.” Now there is the voice of a true traditionalist. You do remember “the ecclesiastical shuffle” of the second millennium, don’t you? One is reminded of unreconstructed Southerners who speak of the Civil War as “the recent unpleasantness.”

Of course one must agree that bishops should be more accountable and responsible. That is to say they should be better leaders, and the most important part of that is that they should lead with the zeal of the apostles whose successors they are. In the wake of the scandals the enhanced awareness is that the bishops should be more, not less, the bishops that they are ordained to be. The problem was timorous shepherds who failed to protect the flock, and especially the lambs, fearing to confront the wolves admitted to the sheepfold. But power-sharing understood as lay participation in decision making is not an issue to sustain a cause or stir the soul. “Honey, remember tomorrow night you got the vicariat subcommittee on education finance.” As Oscar Wilde said of socialism, the problem with power-sharing is that it leaves one with no free evenings.

“The Church of Tomorrow”

How can it be that—with issues so doomed or dull and with a hoary-headed leadership that has to dredge up grievances from a distant past unknown to anyone born in the last fifty years—the discontinuants of the left can still present themselves as the vanguard of change? That’s a very good question. Here, speaking just last month, is a bishop who belongs to the shrinking liberal caucus that was led by Rembert Weakland before he went down in flames: “As priests in the Church we have a golden opportunity to become involved at the heart of this reawakening, of being forerunners of the Church of tomorrow, of being molders and builders of new theological language and ecclesial structures which speak to our contemporary society and which ensure a fresh hearing for the Christian message.”

Bracing stuff, that. Some apparently still think so. Never mind that a bishop presides over a dispirited diocese of zero vocations, declining Mass attendance, closed schools, and an epidemic of scandals. Never mind that a bishop hasn’t read a serious book of theology for twenty years or that his statement of the Christian message contains no reference to Christ. Never mind all that and much else; he is building “the Church of tomorrow.” Having made a shambles of the Church of past and present, he has no choice but to

bet on tomorrow. He is loyal to the Church, meaning the Church of tomorrow. He is obedient to the pope, meaning the next pope or maybe the one after that. So how, in the midst of the ruins of its own making, does the cause of leftist discontinuity maintain its status as the vanguard? In large part, simply by repeating, until reiteration overwhelms powers of reflection, that it is the vanguard.

Relentless futurism provides unlimited escapes from the counterevidence of the present. This works in all kinds of wondrous ways. Remember, for instance, how the Jesuits were once noted for their fierce loyalty to the papacy. They are still loyal, but with a futurist twist of discontinuant devising. Thus the very influential Karl Rahner, in one of his less judicious moments, told his fellow Jesuits: "You must remain loyal to the papacy in theology and in practice, because that is part of your heritage to a special degree, but because the actual form of the papacy remains subject, in the future too, to an historical process of change, your theology and ecclesiastical law has above all to serve the papacy as it will be in the future." Jesuit Paul Shaughnessy comments: "Jesuits are all loyal to the papacy, but to the future papacy—that of Pope Chelsea XII, perhaps—and their support for contraception, gay sex, and divorce proceeds from humble obedience to this conveniently protean pontiff." Shaughnessy goes too far, of course. There are still some admirably loyal Jesuits. But you see the move. As with the above-mentioned bishop, all things are permitted when one is a "forerunner of the Church of tomorrow." Being a faithful Catholic is becoming now what Catholic will mean when faithfulness is redefined. Liberated by "the spirit of Vatican II" from past and present, discontinuants of the left hold themselves rigorously accountable to a future of their own desiring.

A *New Yorker* cartoon has executives sitting around the board room table on which is a box of soap emblazoned with the word "NEW!!!" The chairman is saying, "What do you mean what's new about it? The 'New!!!' on the box is new." For almost forty long, weary years, the left has managed to sell itself as the Church of the future by incessantly announcing that it is the Church of the future. And the pitch does sell, in part because it appears to be news. It is pseudo-news, of course, but it is welcome news to those who dislike the Church of the past and the present. This is crucial to understanding the success of the leftist party of discontinuity. From the beginning, from John XXIII's announcement of a council, the story line was established that there must be something very wrong with the Church of the past and present or else the Pope would not have called a council to set things right.

"We Got a Great Church"

It is impossible to overestimate the influence of Xavier Rynne (aka Fr. Francis X. Murphy) in establishing that story line. Almost all Catholics get their news about the Church from the general media, and all the media followed the story line set by Rynne in his voluminous reports in the *New Yorker*. The first piece of the story line to be put into place is that the Church is an institution like any other, with a self-protective power structure dominated by conservatives and challenged by courageous liberals. Theological language about the Church—as in "We believe in one, holy, catholic, and apostolic Church"—is, in this view, a smokescreen employed to hide the real questions, which are questions of privilege and power. To be sure, the Church is a thoroughly, but not exhaustively, human and social institution. But if she is not what she claims to be in language inescapably theological and sacramental, she is no more than another institutional "it" among many institutional "its," albeit a very big and old and venerable "it."

This de-theologizing and de-sacramentalizing of our understanding of the Church is now very widespread. Consider a small but telling incident. An archbishop in the Northeast is addressing lay leaders on the years of scandal and wants to end on an upbeat note. With a warm and winning smile, he declares, "I'm here to tell you we got a great church!" This is a bishop of the Catholic Church. Imagine, if you can, Ambrose or Aquinas or John Paul II saying, "We got a great church." I know, you can't. Neither can I. What kind of operative ecclesiology is in the archbishop's mind and heart? Maybe "The Catholic Church, Inc." Or the voluntary association with the biggest and best niche in the religious marketplace. Like a basketball coach during a losing streak: "I'm here to tell you we got a great team!" Yes, it's a little incident, but implicit in it are the ravages wreaked by the construal of Vatican II in discontinuity from the story of the one, holy, catholic, and apostolic Church.

But I hear someone raise the objection that, while I started out saying there is a party of continuity (the Catholic center) and a party of discontinuity, with the latter having left and right branches, I have so far been speaking mainly about the left branch of the party of discontinuity. There is a good reason for that. From the very first session of the Council, beginning October 11, 1962, the perception of the Council was controlled by Rynne and other reporters, and they soon imposed upon it the master template that there were only two parties in play—the liberals and the conservatives. The right-wing discontinuants were simply "conservative extremists" who were beyond the pale and unworthy of notice, except when it was

convenient to depict all conservatives as extremists. This was a masterful move, and it continues to be the dominant story line in explaining the Second Vatican Council. Leftist discontinuants constituted the force of “progress” that prevailed against the party of continuity and against rightists deploring discontinuity, both of the latter being portrayed as the party of conservative resistance.

By the second session, everybody “knew” that the Council was about an archconservative Catholic Church set against the modern world belatedly and reluctantly being dragged into the twentieth century. Indeed—wonder of wonders—Catholicism was becoming the champion of liberalism’s tale of historical progress. Popularizing theologians who fit this master template were made the experts on the Council. Those who disagreed were routinely dismissed as the conservative resistance. A priest friend recalls going to a press conference at the Gregorian University where the great Fr. John Courtney Murray, who had a major influence on the Council’s teaching on religious freedom, was trying to explain to the media the complexities of what had happened at the Council that day. He was followed by Fr. Charles Davis, then a leftist popularizer who later had the integrity to leave the Church when he recognized that he was no longer a Catholic. Fr. Davis began, “Well, it’s really quite simple. The conservatives . . .” My friend looked over at Murray who was sadly shaking his head in disagreement. But the progressive vs. conservative story line was by then set in media concrete.

And so it has been ever since. The great leaders of the theological, liturgical, ecumenical, and pastoral movements of renewal affirmed by the Council are, I expect, still—if sadness is permitted in heaven—sadly shaking their heads in disagreement. One hears them saying, “That is not what the Council said. That is not what it said at all.” While they were still with us, Hans Küng, later officially decertified as a Catholic theologian, rejected Karl Rahner’s criticism of his ecclesiology as being essentially Protestant. Leslie Dewart, later associated with “death of God” theology, rejected Bernard Lonergan’s criticism of his work as a false de-hellenization of doctrine. The Jesuit provincials rejected the pleas of Murray and Lonergan to maintain the tradition of serious intellectual formation. In the name of “the spirit of the Council,” liberal French theologians, following the revolutionary ritual of turning against the fathers, dismissed as impossibly outdated the giants who had prepared the way for the Council: Jean Daniélou, Yves Congar, Henri de Lubac, Louis Bouyer, and Jacques Maritain. It was a clean sweep for the discontinuants of the left.

Bishops and religious superiors turned to the popularizers to implement the Council, with the mostly sorry results still with us today in theology, liturgy, catechesis, and much else. As mentioned earlier, *Humanae Vitae*’s attempted exercise of papal teaching authority in 1968 was handily turned back. The media portrayed that initiative of Paul VI as an effort to break the master template, to return to the bad old days of what was by then called “the pre-Vatican II Church.” Even today, after almost twenty-five years of the pontificate of John Paul II, who is preeminently “a man of the Council,” the template is in place. But it is cracking.

It was at a conference in the mid-eighties that I listened to Hans Küng hold forth in triumphalist tones on the victory of the progressives. “We” control, he announced, the seminaries, the academic departments of theology, the catechetical and liturgical institutions, the publishing houses, the magazines that matter, and the chanceries. Most of the bishops, he said, are now on “our” side, and those who aren’t have been neutralized. Anyone who wants a future in the hierarchy or the Catholic academy has no choice but to cooperate, he observed. It was a clean sweep; all that was left were a few details; the disgruntled band of risibly reactionary dissidents from the new order didn’t understand what had happened and couldn’t do much about it.

It was an impressive speech. Almost nobody on the left is talking that way today. They are still largely in control of major institutions, notably the academy and some religious orders, but the more astute among them know that they are increasingly on the defensive. (See my “The Persistence of the Catholic Moment,” FT, February). Their most reliable allies today, as in 1962, are people in the media who continue to see the Catholic Church as a reactionary and threatening institution, the great and not-to-be-tolerated dissenter from the gospel of liberal progress. For such people, the only good Catholic is a bad Catholic. The anti-Catholic media need the discontinuant left, and it needs them. Without this alliance of mutual need, the master template is shattered.

The Grandchildren of the Revolution

It is no secret that the initiative today is with the center. For younger clergy and seminarians, the so-called bad old days are the olden days that their grandparents talked about. They are inspired by John Paul II, the only pope they have ever known, as are the many renewal movements that feed into and draw from the millions of young people gathered by, for instance, the World Youth Days. Chancel dancers in leotards and Clown Masses are increasingly a

thing of the past. The silly season is almost over, although elements of the discontinuant right find it useful to generate outrage by pretending that it is still in full swing. For its annual trips down the memory lane of radicalisms past, Call to Action will soon be convening in Florida. True, what passes for theology in many nominally Catholic colleges is a tiresome deconstruction of orthodoxy, but that, I expect, leads many students to want to explore an orthodoxy that they never learned and is deemed worthy of such intense attack. In Washington, D.C., in New York, in Boston, and elsewhere, there are growing and vibrant networks of young professionals excited about being Catholic. Many are discerning a vocation to the priesthood or religious life. In the marvelous phrase of Archbishop Timothy Dolan of Milwaukee, young people will give their lives for a mystery but not for a question mark. By way of sharpest contrast, the discontinuant left is dying because there is no successor generation. It cannot replicate the bad old days, which to protest is its only reason for being.

Consider the absurdities to which some are reduced. In *Commonweal* and the London *Tablet*, reviewers of George Weigel's bracing book *The Courage To Be Catholic* try to argue that "the center" is somewhere between Weigel and Garry Wills. Among discontinuant leftists, Wills is a radical. He's not waiting for Vatican III or the next pope. His position is that Vatican II dismantled once and for all the Magisterium and, with it, the teaching authority of the Church. (See my "Mr. Wills for the Prosecution," Public Square, November 2002). To save him embarrassment, I will call the *Commonweal* reviewer Mr. B. He has a carefully cultivated reputation as a "moderate" liberal. Mr. B says that his position is "the broad middle" between Weigel and Wills. What can this possibly mean?

Weigel stands foursquare with millennia of tradition as set forth by the Council and interpreted by a pope whom he calls John Paul the Great. Wills says that that tradition is a "structure of deceit" and John Paul is an authoritarian throwback who is attempting "a coup against the Council." Where does that leave Mr. B and his broad middle? The successor of Peter, who is certainly not the successor of Peter, is using a liberal council for reactionary purposes, but, despite the deceit, has a winning personality and is, all in all, John Paul the Not All Bad? Weigel, to cite another example, greatly admires John Paul's "theology of the body." Wills says magisterial teaching on sexuality is "just silly," and he approves of contraception, gay rights, and a woman's right to choose. I will leave it to Mr. B to explain the "broad middle" between Weigel and Wills on those and other questions.

It is said a liberal is someone who refuses to take his own side in an argument. Mr. B does not even have a side, or, if he does, it is an imagined space between clashing contradictions. To such nonsense the master template of liberal vs. conservative reduces differences of momentous consequence. Mr. B and many others are moderate members of the party of discontinuity of which Garry Wills is a radical member. They have in common that, for them, the center (i.e., the Magisterium) is the right. They are not on speaking terms with, they hardly deign to recognize the existence of, their ideological cousins in the rightist branch of the party of discontinuity, for whom the center (i.e., the Magisterium) is the left. Yet the cousins are in agreement that a choice must be made between the pre-Vatican II Church and the post-Vatican II Church, differing only in the choices they have made. Both insist that the Council was a radical break with the tradition, the difference being that the right deplores and the left celebrates the putative break.

The party of continuity is the center. From the Council of Jerusalem to Vatican II, from Peter to John Paul II, there is—the variations, deviations, and ambiguities of history notwithstanding—a continuing and identifiable community that is the Catholic Church. There have over the centuries been much more powerful parties of discontinuity than we have experienced these past forty years. But it is to the continuing community that Jesus promised he would send the Spirit to lead us into and keep us in the truth. Even if one does not believe that promise, can anyone really believe that the likes of Garry Wills or the Society of St. Pius X are the future of the Catholic Church? The extreme discontinuants of the left are angry because their understanding of Vatican II's promise of a preferred future, a promise that was never made, has been broken. The extreme discontinuants of the right are angry because they believe Vatican II broke a promise with a preferred past. Both live off their anger; both live off the Church that they condemn. As for the Laodicean moderates such as Mr. B and his counterparts on the right, they will, in their broadly middle way, continue to grumble incoherently about this and that. But I expect they are secretly grateful for the people who—inspired by the Second Vatican Council and in continuing communion with Peter—see visions and dream dreams for the renewal of the one Church that was, is, and will be until Our Lord returns in glory. Parties of discontinuity we will have with us always, but the center holds.

WHILE WE'RE AT IT

■ The *Chicago Sun Times* prompted something of an ecumenical kerfuffle with a long story under the headline, "Are Lutherans Pretending to be Catholic to Lure Hispanics?" Some Catholic priests think so. Pastor Keith Forni of a congregation that goes by the name of Iglesia Santa Cruz Church protests. Yes, he writes in a Lutheran publication, some Lutheran parishes reaching out to Latinos have holy water at the door, display pictures of Our Lady of Guadalupe, call the pastor "Father," celebrate a liturgy very much like the Catholic Mass, and downplay the name "Lutheran." But for Lutherans, or at least for Lutherans who understand themselves to be "evangelical catholics," such practices can be justified by appeal to the original intention of the Lutheran Reformation. Pr. Forni notes that Luther himself did not intend a church called Lutheran. Yet, as he acknowledges, there is the question of "truth in packaging." In response to the criticism that it is deceptive for Lutherans—and he mentions Episcopalians as well—working among Hispanics not to prominently display their denominational affiliation, he says, "My nearest Roman Catholic parish is commonly known as 'Mount Carmel Church'"—without any mention of Catholic or Roman Catholic. Well, yes, but for almost all Hispanics the default position is Catholic. That is to say, a church that does the aforementioned things is assumed by Hispanics to be Catholic. This is not a big deal, except for the people immediately involved. Lutheran and Episcopal outreach to Hispanics is minuscule compared with the work of Pentecostals, who make no secret of the fact that they are not Catholic and are, more often than not, overtly anti-Catholic. But there are interesting questions raised. "Lure" may not be the right word, but there is something sly about trading in mistaken identities. Of course, Lutheran and Episcopal parishes could put their denominational identity front and center, offering themselves as a way of being catholic without really being what almost everybody means by being Catholic. But it is somewhat demeaning to present oneself as a substitute for the Real Thing. I am sympathetic to the Catholic priests who are critical of non-Catholics presenting themselves as Catholics. At the same time, it is good for priests to know how much some Protestants do share with Catholics. The question posed in Chicago and elsewhere is but one of many vexing ambiguities in being a lower-case catholic.

■ At least one Anglican bishop is prepared to clamp down on dissidents. Bishop Michael Ingham of Vancouver, British Columbia, says, "I am trying to be

very patient. I am trying to keep the door open as long as I can. I am trying to say to [the dissidents], 'We do respect your conscience, we are not forcing you into anything.'" But he adds, "There is a limit to all human patience." The dissident priests and parishes are opposed to the church's blessing of same-sex unions. (Recall the maxim: "Where orthodoxy is optional it will, sooner rather than later, be proscribed.")

■ It is all too easy to dismiss the World Council of Churches as moribund and irrelevant. Yet one should not overlook the ways in which an institution on the ropes is capable of maintaining a "plausibility structure" (Peter L. Berger) that makes it possible for people to believe that they are not only engaged but are on the cutting edge. In the WCC publication the *Ecumenical Review*, there is a long article by Ulrich Duchrow, professor of systematic theology at Heidelberg University and author of *Alternatives to Global Capitalism: Drawn from Biblical History, Designed for Political Action* (soon to appear under that title in English). "Since the breakdown of historic socialism," the article begins, "the category of private property has practically disappeared from the discussion on economic justice." After the breakdown of "historic socialism," what the world needs, he seems to be saying, is socialism. Typical of his proposals is "linking private productive property to strict criteria of social usefulness" as determined by "democratic institutions in the framework of the UN, which needs to be reformed accordingly." The churches need to find the "prophetic" nerve to "join the struggle of the social movements" that will bring them into "conflict with the forces of power and wealth." Francis Fukuyama wrote with relative caution about the end of history. The WCC, as befits a prophetic institution, is after the end of history, although it looks pretty much like history repeating itself. In any event, it is perhaps worth bringing this to the attention of those who thought the WCC is history.

■ I have on several occasions been somewhat critical of Leon Wieseltier of the *New Republic*, and now my irrepressible niceness compels me to compensate by bringing to your attention a thoughtful essay by Wieseltier, "Hitler is Dead." It was written some months ago at the height of what he called "ethnic panic" about the newly assertive anti-Semitism, especially in Europe. He cites a 1948 essay by Simon Rawidowicz, "The Ever-Dying People." Rawidowicz wrote, "The world has many images of Israel, but Israel has only one image of itself: that of an expiring people, forever on the verge of ceasing to be. . . . There was hardly a generation in the Diaspora period which did

not consider itself the final link in Israel's chain. Each always saw before it the abyss ready to swallow it up." Wieseltier comments: "The fright of American Jewry is finally not very surprising, and not only because we are an 'ever-dying people.' To a degree that is unprecedented in the history of the Jewish people, our experience is unlike the experience of our ancestors: not only our ancient ancestors, but also our recent ones. It is also unlike the experience of our brethren in the Middle East. Their experience of adversity in particular is increasingly unrecognizable to us. We do not any longer possess a natural knowledge of such pains and such pressures. In order to acquire such a knowledge, we rely more and more upon commemorations—so much so that we are transforming the Jewish culture of the United States into a largely commemorative culture. But the identifications that seem to be required of us by our commemorations are harder and harder for us to make. In our hearts, the continuities feel somewhat spurious. For we are the luckiest Jews who ever lived. We are even the spoiled brats of Jewish history. And so the disparity between the picture of Jewish life that has been bequeathed to us and the picture of Jewish life that is before our eyes casts us into an uneasy sensation of dissonance. One method for relieving the dissonance is to imagine a loudspeaker summoning the Jews to Times Square. In the absence of apocalypse, we turn to hysteria. In America, moreover, ethnic panic has a certain plausibility and a certain prestige. It denotes a return to 'realism' and to roots. A minority that has agreed to believe that its life has been transformed for the better, that has accepted the truth of progress, that has revised its expectation of the world, that has taken yes for an answer, is a repudiation of the past. Yes feels a little like corruption, a little like treason, when you have been taught no. For this reason, every disappointment is a temptation to eschatological disappointment, to a loss of faith in the promise of what has actually been achieved. That is why wounded African Americans sometimes cry racism and wounded Jewish Americans sometimes cry anti-Semitism. Who are we kidding? Racism is still with us. Anti-Semitism is still with us. The disillusionment comes almost as a comfort. It is easier to believe that the world does not change than to believe that the world changes slowly. But this is a false lucidity. Racism is real and anti-Semitism is real, but racism is not the only cause of what happens to blacks and anti-Semitism is not the only cause of what happens to Jews. A normal existence is an existence with many causes. The bad is not always the worst. To prepare oneself for the bad without preparing oneself for the worst: this is the spiritual challenge of a liberal order." In that 1948 essay, Rawidowicz had observed,

"An ever-dying people is an ever-living people. A nation always on the verge of ceasing to be is a nation that never ceases to be." Of course, that is a statement of hope, not of logic. History is littered with nations on the verge of ceasing to be that ceased to be. But, with respect to Israel, it is a hope that we should all share.

■ Does Francis Cardinal George of Chicago exaggerate? I think not. There is a move in the American Medical Association to require all hospitals to provide all "reproductive health services." The Cardinal says, "Catholic hospitals cannot comply. Effectively, the AMA is being asked to help abolish Catholic health care in this country." Catholic hospitals treat eighty million patients each year and make up 11 percent of all community hospitals. These are often in rural areas, and the 637 Catholic hospitals take a loss of \$2.8 billion per year in serving the poor. Catholic hospitals are not where the money is. Abortionists—of whom there are less than a thousand in America—are concentrated in the cities. Only seven percent of abortions are performed in hospitals, and they are performed in just 14 percent of all hospitals. Pro-abortionists know that if abortion is ever to gain the appearance of moral legitimacy and be considered a normal part of medical care, it is necessary for Catholic hospitals to do abortions. As the Cardinal says, Catholic hospitals cannot comply. If the present agitations in the AMA and state legislatures, along with litigation in several courts, are allowed to succeed, it spells the end of nearly two centuries of Catholic health care in America.

■ Thank goodness David Blankenhorn is on the job. My eyebrows too were raised by a January 14 *Wall Street Journal* story, "Divorce Makes a Comeback," by Jeffrey Zaslow. Blankenhorn, who heads the Institute for American Values, an organization that does some of the best research on marriage and family questions, devastatingly dissects the story, showing that Zaslow's claims are based on no evidence at all. Divorce rates peaked in 1979 and have since fallen substantially. Of course there are still too many divorces, but at present the tide has stopped and shows some signs of turning. Numerous studies demonstrating, among other things, the sorry consequences of divorce for the children involved have contributed to a growing popular understanding that divorce is not the solution that it was so widely thought to be several decades ago. I'm as puzzled as Blankenhorn as to why the *Wall Street Journal* ran the story. Maybe they have an editor in charge of countering good news.

■ Bishop William Weigand of Sacramento, California's capital, announced at Mass on the thirtieth anniversary

of *Roe v. Wade* that Gov. Gray Davis and other pro-abortion politicians should abstain from receiving Holy Communion. "As your bishop, I have to say clearly that anyone—politician or otherwise—who thinks it is acceptable for a Catholic to be pro-abortion is in very great error, puts his or her soul at risk, and is not in good standing with the Church. . . . Such a person should have the integrity to acknowledge this and choose of his own volition to abstain from receiving Holy Communion until he has a change of heart." The Bishop says he was emboldened by a priest who runs a home for disadvantaged children and told the governor that he wasn't welcome, and also by a recent note from the Congregation for the Doctrine of the Faith that set forth the responsibilities of Catholics in politics. The governor's office said that Weigand's statement was "sad" and that the governor "is proud of the legislation he has signed giving women the right to choose." The governor's statement also criticized Bishop Weigand for "telling the faithful how to practice their faith." How dare he! It must be admitted that the example of many bishops over the years has no doubt given some the impression that bishops have no business instructing the faithful on the practice of the faith. The key phrase in the governor's statement is, of course, "their faith." Yes, they take their faith from the local Catholic franchise as distinct from, for instance, the local Buddhist temple, but, in exchange for patronizing the Church and making a generous contribution, it is "their faith" to do with as they wish. Imagine if you patronize WalMart by buying, say, a sound system and then WalMart presumes to stipulate what kind of music you play with it. It is not the business of WalMart to tell customers how to use their sound system. The governor has given perfect expression to the idea of religion as a consumer product. For putting the matter so starkly, we are in his debt.

■ Also on the thirtieth anniversary of *Roe v. Wade*, Medical Students for Choice, an organization at Johns Hopkins, threw a party. The invitation read: "Come learn about what's being done to train new providers and ensure that a woman's right to choose is both safe and accessible! Come and eat birthday cake!" Birthday cake in honor of *Roe v. Wade*? Perhaps this is an instance of overdetermined postmodernist irony, but I doubt it. Here the rule applies: do not seek for further explanations when stupidity will do.

■ Daniel Johnson of the (London) *Daily Telegraph* has a useful article in the February *Commentary* titled "The Catholic Crisis." It includes a review of Garry Wills' *Why I Am a Catholic*, Daniel Goldhagen's *A Moral Reckoning*, and George Weigel's *The Courage To Be Catholic*. No reader will be surprised that I think he is

right in his high praise of Weigel's analysis of what has gone wrong and what might be done about it, and in his sharp criticism of Wills' position as the problem, not the solution. Johnson overstates, I think, the immediate impact of the crisis on matters such as Mass attendance, financial support, and vocations to the priesthood, but he is right in thinking that the media depiction of the scandals—a depiction supported by very real failures of Catholic leadership—has had a powerfully negative effect in terms of the Church's public influence. The article concludes with a typically laconic piece of wisdom from Irving Kristol, the Jewish "godfather" of neoconservatism, in an address of 1979. Kristol spoke about the threat of "an upsurge of anti-biblical barbarism that will challenge Christianity, Judaism, and Western Civilization altogether." He went on to say: "If I may speak bluntly about the Catholic Church, for which I have enormous respect, it is traumatic for someone who wishes that Church well to see it modernize itself at this moment. . . . The Church turned the wrong way [in the 1960s]. It went to modernity at the very moment when modernity was being challenged, when the secular gnostic impulse was already in the process of dissolution. Young people, especially, are looking for religion so desperately that they are inventing new ones. They should not have to invent new ones; the old religions are pretty good."

■ There is a certain attraction in the ingenuousness of a review of my book *As I Lay Dying: Meditations Upon Returning* in a medical journal called *The Pharos*. The review is appreciative on some scores, but then Dr. Benson B. Roe writes, "From the viewpoint of a physician and research scientist, I find it impossible to reconcile the conflicting forces that must have influenced Neuhaus' perceptions. His severe illness suggests the likelihood of experiencing toxic delusions during his critical phase, which he may have recalled with various imaginative embellishments." Fair enough. I said as much in the book. And then this, "It is difficult for me to understand how an educated society, surrounded by critical media and objective appraisals of everything from movies to automobiles, can so willingly accept assertions of metaphysical phenomena." I do not find it difficult to understand that he really does find that difficult to understand. One is put in mind of Rudolf Bultmann, the once influential New Testament scholar and proponent of "demythologizing," who thought it evident that a modern man who creates light by flicking an electrical switch cannot really believe that Jesus rose from the dead. There are still many like Dr. Roe for whom "critical" and "objective" simply preclude reflection on dimensions of reality that can be neither considered

nor understood without reference to ways of thinking that throw into question the meaning of “critical” and “objective.” Anything that cannot be known in the way that we know toxins and how automobiles work cannot be known. It is a dogma that simplifies life, but at a terrible price of intellectual impoverishment.

■ Here’s an interesting fracas. *Psychology Today* ran a small ad for a book, *A Parent’s Guide to Preventing Homosexuality* by Joseph and Linda Nicolosi. Robert Epstein, the magazine’s editor in chief, received an angry call from a lesbian activist informing him that she and her allies were organizing a harassment campaign against him and the magazine. Mr. Epstein tells the story: “In all, I received about 120 letters, many of which exemplified a bad game of Telephone: Some people complained about an anti-gay ‘article’ *PT* had published; others referred to an anti-gay book I had published and people who weren’t subscribers said they were dropping their subscriptions. Several writers suggested I was a ‘Nazi’ and a ‘bigot,’ and one compared me with the Taliban. A surprising number of letters asserted that gays have a right to be rude or abusive because they themselves have been abused. Most echoed the same points that my caller had made. But my caller was way off base on key points. The [American Psychological Association] has never condemned sexual conversion therapy but has merely issued cautionary statements, one of which reminds psychologists of their obligation to ‘respect the rights of others to hold values, attitudes, and opinions that differ from [their] own’—an obligation from which my caller clearly feels exempt. Although homosexuality was removed from the DSM—the diagnostic manual used by therapists—as a mental disorder in 1973, all editions of the DSM have always listed a disorder characterized by ‘distress’ over one’s sexual orientation (DSM section 302.9). Both gays and straights have a right to seek treatment when they’re unhappy with their sexual orientation, and some choose to try to change that orientation. It would be absurd to assert that only heterosexuals should have that right. Can gays change? Some people who wrote to me insisted that ‘orientation’ is immutable, but behavior is certainly not, and it’s common for people to ask therapists to help them suppress a wide variety of tendencies with possible genetic bases: compulsive shopping and gambling, drinking, drug use, aggressiveness, urges to have too much sex or sex with children, and so on. A 2002 research review by Warren Throckmorton, Ph.D., published in an APA journal, suggests that sexual conversion therapy is at least sometimes successful. From this and other sources I’ve checked, I’d guess that such therapy is probably successful about a third of the time and that in

perhaps another third of the cases, clients are unhappy or even angry about their failure to change. These figures might sound discouraging, but there are certainly many examples of clinical problems that resist change (e.g., agoraphobia and autism) or that produce angry outcomes after therapy (e.g., couples counseling or treatment for sexual abuse). Of greater importance is a new study by Robert Spitzer, M.D., of Columbia University, the man who headed the committee responsible for removing ‘homosexuality’ from the DSM in 1973. After surveying two hundred people who had remained ‘ex-gay’ for at least five years—and even though he has been under tremendous pressure by gay activists to repudiate his findings—Spitzer has concluded that sexual conversion therapy can produce significant, positive, and lasting changes.” Mr. Epstein goes on to say that the Nicolosi book is “surprisingly” tame and balanced, although he takes exceptions to parts of it and is more sympathetic to gays than he takes the Nicolosis to be. He also says it’s time for the magazine to revisit the “sexual conversion” question, and it will be doing that in the near future. One thing is for sure: the protest guaranteed that the Nicolosis got more than their money’s worth from that little ad.

■ Many important things have been said in this year of the thirtieth anniversary of the infamous *Roe v. Wade* decision. Among them I count the counsel of Father Francis Canavan of Fordham University, writing in *catholic eye*: “The direct and intentional taking of human lives is of its nature a public issue (if the state does not exist to protect human lives, what is it there for?) and is not one to be dismissed with cries of ‘imposing beliefs.’ All that is asked for is that the issue be taken for what it is and be admitted to the public forum to be decided by the democratic political process. It would also help if pro-lifers got over the habit of thinking of that process as an either-or, all-or-nothing contest. If we present the issue as abortion on demand or no abortion at all, there can be no doubt which of the two the American public will support. Politics, however, does not work that way. As Edmund Burke explained two centuries ago, ‘The decisions of prudence [i.e., political judgment] . . . almost all are determined on the more or less, the earlier or the later, and on a balance of advantage and inconvenience, of good and evil.’ We are in for a long, hard fight, where the gains will be slow and at first few, but the only way to make any gains is to get into the fight and stay in it.”

■ “Religious routine” can mean a pattern of good habits. Or it can be something quite grim. As with this reflection on Church of England habits plucked from

Nigel Rees' inimitable "Quote . . . Unquote" Newsletter. The poem, published in 1918, is by Geoffrey Herbert Crump:

*A brilliant summer morning, still and hot;
A day for flannels and a pipe, and not
For stuffy Sunday clothes, a long, dull walk,
And duller sermon, and the vapid talk
Of fellow-Christians, with souls replete,
Hurrying to fill their bodies with roast meat.
Their worship's over; God's returned to Heaven,
And stays there till next Sunday at eleven.*

■ I have on occasion quoted Martin Luther King's statement that law cannot make a man love me but it can keep him from lynching me. But I was at a loss when asked for the exact source. Once again the invaluable Nigel Rees to the rescue. It was in a sermon at St. Paul's Church, Cleveland Heights, Ohio, on May 14, 1963. Here is the fuller statement: "There are always those who say legislation can't solve the problem. There is a half-truth involved here. It is true that legislation cannot solve the whole problem. It can solve some of the problem. It may be true that morality can't be legislated, but behavior can be regulated. It may be true that legislation cannot change the heart, but it can restrain the heartless. It may be true that the law cannot make a man love me, but it can keep him from lynching me, and I think that's pretty important."

■ John L. Allen's "The Word from Rome" offers possibly the best reporting on the Holy See published in this country. He shares some of the leftist bias of his paper, the *National Catholic Reporter*, but is attentive to the various and often conflicting currents to be expected at the institutional and spiritual center of a community that is universal, as in Catholic. Here are a few recent items of interest. Father Thomas Stransky, 72, was one of the original staff for what was then called the Secretariat for the Union of Christians, established by John XXIII in 1960. In a speech in Rome, Stransky revealed that the Second Vatican Council's language about the "hierarchy of truths" was in part the work of the ecumenical observers at the Council. The Council said: "When comparing doctrines with one another, [theologians] should remember that in Catholic doctrine there exists an order or 'hierarchy' of truths, since they vary in their relation to the foundation of Christian faith" (*Unitatis Redintegratio*, 11). Renowned Protestant theologian Oscar Cullman said at the time that the passage was "the most revolutionary to be found not only in the ecumenism scheme but in any of the schemata." Of course the Council did not intend anything revolutionary, but innumerable Catholic theologians

have used the idea of a hierarchy of truths to claim that dissent from, or rejection of, some doctrines is licit, provided it does not affect their definition of what constitutes "the foundation of the Christian faith." Frequently the line of necessary assent is drawn at those truths infallibly defined, followed by endless quibbling over which doctrines qualify by that rule, followed by more quibbling over the meaning of infallibility, and yet more over what is meant by assent. In sum, "hierarchy of truths" has turned out to be, at least in consequence, infelicitous. Cardinal Ratzinger says the Council's intent is better caught by the phrase "the structure of faith," in which all doctrines co-inhere and are therefore obligatory, although, as in a building, not all are as essential to the structure itself. The Congregation for the Doctrine of the Faith has at times tried to discriminate between the different kinds or levels of assent required of theologians. These are honorable and necessary labors, but they are not likely to end the quibbling or dissent on the part of theologians who are undoubtedly sincere in asserting that they intend to be faithful Catholics while rejecting some or much that the Church teaches. Jean-Paul Sartre's idea of "bad faith" is perhaps his single contribution to philosophy and our understanding of the subtleties of the human capacity for self-deception. No formulation—hierarchy of truths, structure of faith, whatever—can secure fidelity in the absence of a theologian's earnest desire to think with the Church (*sentire cum ecclesia*). Fr. Stransky's information throws light on how the Council's phrase was misunderstood from the start. It would seem that Protestants who thought unity possible on the basis of selective assent to Catholic teaching supplied cover for Catholics who think the same. The infallibility of a Council does not mean that its documents are immune to misconstrual.

■ John Allen reports that some European Catholics "look upon the European Union with approximately the same affection they feel for the Freemasons and the Communist Party." One reason is that in its "constitutional treaty" the EU is resisting, with the French in the lead, any explicit mention of Christianity as the spiritual and cultural foundation, at least historically, of European identity. At a conference at Regina Apostolorum, the Legionaries of Christ university in Rome, it was noted that, according to UN statistics, 560 million of 730 million Europeans are Christian. To judge by what most Europeans say they believe and by what they do or don't do religiously, "Christian" in this connection would seem to require a weaker word than "nominal." In a de-secularizing world, Europe, and especially Western Europe, appears to be the dismal exception. Christoph

Cardinal Schönborn of Vienna recently compared the circumstance of Christians in Europe to that of the Jewish diaspora throughout most of history. "This hostile, rejecting attitude in our secularized countries is felt ever more frequently," Schönborn said. "We are increasingly regarded as foreign bodies, disturbing the peace in a neo-pagan society." In this sense, he said, the situation of Christians is not unlike that of both Jews and Christians in antiquity whose refusal to place God among the gods in the pantheon was thought "highly intolerant." The big difference, of course, is that today's European views Christianity as something that was tried and found wanting, whereas in the second or third century it was a fresh, if troubling, proposal. It may be that Christians in Europe need to talk less about Christianity in terms of the "roots" and "foundations" of European identity and more about the proposal of Christian truth for the European future. I don't pretend to have the particulars of how that might be done, but I doubt that Europe is an exception to the rule that those who propose the most believable and promising vision of the future are on the way to carrying the day.

■ This is written before any military action by the U.S. and the coalition of the willing to effect regime change in Iraq, but there are irritants in Rome that some would inflate into a crisis of Catholic fidelity. Some curial officials have been very vocal in their criticism of U.S. leadership. One very influential Cardinal is reported as saying to a group of Italian journalists, "I said to an old American friend: Didn't the lesson of Vietnam teach you anything?" Of course His Eminence is right. We Americans really must get around to giving some serious thought to the lessons of Vietnam. "The Holy See is against the war," he said. "It's a moral position." It may be a moral position in the sense that it is held by moral people for what they deem to be moral reasons, but it is not a position to which Catholics are morally obliged to assent. The Cardinal continues: "There's not much to discuss, whether it's a preventive war or non-preventive, because this is an ambiguous term. It's certainly not a defensive war." With due deference, there is a great deal to discuss. On September 11 terrorists attacked and declared war (once again) on America and the civilized world. In response, the U.S. declared a defensive war on terrorism. One can debate whether attacking Iraq is the right way to prosecute that war, while being permitted to wonder whether, as a geopolitical strategist, the Cardinal's judgment is to be credited more than that of George W. Bush, Tony Blair, and the heads of government in Australia and most of Europe. "We're trying to provoke reflection not so much on whether it's just or unjust, moral or immoral, but

whether it's worth it," the Cardinal said. "Is it really a good idea to irritate a billion Muslims?" The policy is to neutralize terrorists—most of whom happen to be Muslim—who are intent upon killing millions of us, and irritating a lot of Muslims might be a price worth paying to achieve that goal. On the other hand, millions of Muslims might be grateful for being liberated from their oppression by tyrants who, among other things, support international terrorism. I don't know what is going to happen, and I'm rather sure the Cardinal does not know, but he is inclined to expect the worst. "Not even in Afghanistan are things going well," he says with apparent satisfaction but without specifying what he has in mind. "For this reason we have to insist on asking the question if it's a good idea to go to war." I cannot help but think that President Bush et al. have asked that question. Another highly placed curial party shares the Cardinal's concerns about the dire consequences of military action. He says an Arab foreign minister told him that war would "open the gates of hell." Let's hope that he and the Arab minister are wrong. The prudential judgments of curial officials on military and strategic matters should be respectfully received for what they are worth as weighed in the balance of other such prudential judgments. They do not reach, they do not even credibly gesture toward, magisterial teaching on faith and morals. For Catholics, no question of fidelity is engaged. Hypothetically, that could be complicated by a definitive pronouncement from the Pope, but I do not expect that. In Europe and here, there are many prognosticators predicting the worst. The other day an Episcopal bishop announced that he knows an attack on Iraq will cause "millions of deaths." He knows no such thing. It would be more seemly and more helpful if religious leaders refrained from pretending to a superior knowledge of what might go wrong and got down on their knees, praying that a just cause will prevail. In all these ponderings, one keeps in mind the teaching of the Church as set forth in the *Catechism of the Catholic Church*. After discussing the traditional conditions for "legitimate defense by military force," the *Catechism* states, "The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good" (§2309). As for me, it is little to the point whether I support or oppose military action against Iraq. It appears almost certain that it will happen. I am not persuaded that there is a morally defensible alternative to such action. I am persuaded it is part of a just cause that I pray will prevail with minimal damage to all concerned—except for Saddam and those most immediately responsible for this unhappy circumstance. They must, in justice, be severely punished. Military action in Iraq will not be

the end of the war that has been declared against us. This, too, is a time to test men's souls. At future points of crisis, one hopes that religious leaders will contribute to the necessary public discussion something more than their fears.

■ It's not much of a story but it does have its whimsical side. Jim Nicholson, the U.S. ambassador to the Holy See, invited Michael Novak to give a lecture in a series sponsored by the embassy. His subject was just war, with specific reference to Iraq. Sixty American opponents of U.S. policy, including superiors of men's and women's religious orders and activists associated with the pacifist Pax Christi organization, signed a letter of outraged protest. They accused Novak of violating the "almost unanimous" Catholic opposition to military action against Iraq. The letter does not say how they determined the opinion of the sixty-five million Catholics in the U.S. And they could not have been referring to the U.S. bishops, whose formal statement on the matter carefully refrained from making the prudential judgments necessary to determining the rightness or wrongness of U.S. action. The protest complains that Nicholson "selected one theologian to represent the U.S. Catholic community's position on the morality of this war without any consultation with the recognized Catholic leaders in the United States." Unlike the protesters, neither Nicholson nor Novak presume to think they represent the Catholic community in the U.S. Since "recognized leaders" could not refer to the bishops, one wonders if the signers meant themselves. The letter also says, "In a country where we have a time-honored and legally protected right to the separation of church and state, the appointment of a theologian seems to us to violate that separation." But Nicholson didn't "appoint" Novak to anything. He invited him to give a lecture. In fact, Novak, like this writer, has been appointed to various government positions over the years. The claim that theologians must be excluded from government appointments or government-sponsored lecture series is a new wrinkle in Catholic social doctrine and an impressive expansion of the ideology of the naked public square. To be sure, the protesters' scrupulosity about church-state separationism is somewhat confused by their complaint that Nicholson should have invited someone who represents the "almost unanimous" position of Catholic Americans. The most piquant complaint of the letter is that, because he thinks the U.S. is waging a just war, Novak is a "dissident theologian." Since some of the signers publicly dissent from Church teaching on any number of questions, it is quickly added, "While dissent is always welcome, it should not be confused with the clear statements by

Church leaders and theologians." But of course, dissent from authoritative Church teaching is not and should not be welcome, and nothing so confuses both the Catholic faithful and the general public as activists who present their political preferences as the teaching of the Church. Michael Novak, U.S. citizen and a non-dissident Catholic lay theologian, presented his views on why military action against Iraq is morally justified, and by most reports he did so very ably. It is true that Ambassador Nicholson could have invited someone from Pax Christi to lecture, but I suppose he thought that viewpoint is more than amply represented in Rome. However, for the champions of dissent and open dialogue, "almost" unanimous is not unanimous enough.

■ Some Democratic analysts, more or less accepting the proposition that the parties are increasingly defined by the secularist/religious divide, have taken heart from the finding that 14.1 percent of the population say they have no religion or describe themselves as atheist or agnostic. That figure has doubled since 1990. It turns out, however, that some secularists are not so very secular. Only one-fifth of those in the "no religion" category disagree with the statement that God exists, and only 12 percent of them disagree strongly. It's an old story: some people don't like religion, preferring "spiritualities" that are unencumbered by obligations and other people. Christianity in particular is notorious for letting in the riffraff, and then there is that business about taking up one's cross and following Him.

■ "The Case for Invading Iraq" is the subtitle of *The Threatening Storm* by Kenneth M. Pollack (Random House). Pollack is convinced that Iraq is set upon the aggressive use of weapons of mass destruction. Peter Baehr's review of the book in the *Times Literary Supplement* includes a grim observation that none of us, whatever our view of U.S. policy, can evade. "At the heart of *The Threatening Storm* is a pathos that cannot have escaped its author. If Pollack's recommendation is followed, and Iraq is invaded, his central argument can never be proved, for then history will thankfully be unable to record Saddam's nuclear aggression. Yet if Pollack's argument is vindicated by events it will be because his prognosis was tragically ignored. We are still left, however, with a question that deserves an honest answer: What would prove invasion to be a mistaken strategy, and those of us who now support it to be guilty of a gross misjudgment? The most damaging single piece of evidence would be the revelation that Iraq had abandoned its weapons of mass destruction program after 1998 (the year that the International Atomic Energy Agency was last able

to verify that 'most' of Iraq's nuclear inventory had been eliminated). And a 'victory' that came through the use of American or Israeli nuclear weapons against Iraqis would be worse than any of Saddam's crimes. The cruel dilemma is that, without an invasion, a nuclear confrontation later is more likely than it is now." But, Baehr says, we are not bereft of reasons for gratitude: "Since her founding over two centuries ago, the United States has been blessed with Presidents who were willing to make difficult but vital decisions in hazardous times. No one is going to elevate George W. Bush to the pantheon of Washington, Lincoln, and FDR, but I for one am grateful that providence has seen fit to place him, and not a Jimmy Carter, in the Oval Office at this fateful moment. Iraq is *sui generis*. One can oppose Bush on many other issues—domestic and international—while believing that invasion is the correct course of action. Saddam Hussein is a sinister and menacing tyrant who has violated sixteen United Nations resolutions since 1990. American power is the only means by which he can finally be unseated."

■ The "morality gap" is becoming the most important variable in American politics. So says Thomas Byrne Edsall, writing in the *Atlantic Monthly*, and using data similar to that employed by a recent article in the *Public Interest* on which I commented here ("Voting What You Believe," Public Square, January). The best indicator of how people will vote, says Edsall, is their attitude toward sex: homosexuality, pornography, adultery, and sex before marriage. Those with traditional views vote Republican, those with liberal views vote Democrat. Edsall recognizes that there is a strong connection with religion, but the good news for Democrats is that people are becoming less religiously observant and more liberal in their sexual behavior. Edsall's bias is undisguised. The Republicans are "the party of sexual repression," devoted to "reversing the sexual revolution" by "moving to restrict Americans' sexual autonomy," and so forth. Missing from his discussion are counter-data indicating, *inter alia*, a dramatic rise in teenage abstinence and in pro-life views among younger adults. He also seems to assume that, for instance, because more people watch pornography more people think watching pornography is a good thing to do. At least as probably, there are just more people feeling guilty about watching pornography. I don't know whether religion and morality serve the short and long-term political purposes of the Republican Party as argued with considerable sophistication in the aforementioned *Public Interest* article. Mr. Edsall's essay to the contrary is more punditry than social science, and one can understand his trying to make the data

come out in favor of his political and moral preferences.

■ Here's an item that flew in over the Internet transom. The title is "Who Reads the Newspapers?" and it doesn't say whether it is the result of methodologically scrupulous survey research or just somebody's hunch. Whichever, it has the ring of truth.

1. The *Wall Street Journal* is read by the people who run the country.
2. The *Washington Post* is read by people who think they run the country.
3. The *New York Times* is read by people who think they should run the country.
4. *USA Today* is read by people who think they should run the country but don't really understand the *Washington Post*. They do, however, like their statistics shown in pie charts.
5. The *Los Angeles Times* is read by people who wouldn't mind running the country, if they could spare the time, and if they didn't have to leave L.A. to do it.
6. The *Boston Globe* is read by people whose parents used to run the country and they did a far superior job of it, thank you very much.
7. The *New York Daily News* is read by people who aren't too sure who's running the country, and don't really care as long as they can get a seat on the train.
8. The *New York Post* is read by people who don't care who's running the country, as long as they do something really scandalous, preferably while intoxicated.
9. The *San Francisco Chronicle* is read by people who aren't sure there is a country or that anyone is running it; but whoever it is, they oppose all that they stand for. There are occasional exceptions if the leaders are handicapped minority feminist atheist dwarfs, who also happen to be illegal aliens from any country or galaxy as long as they are Democrats.
10. The *Miami Herald* is read by people who are running another country but need the baseball scores.

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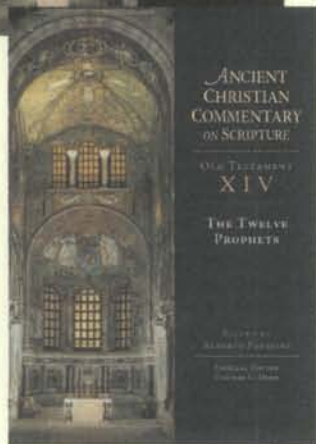
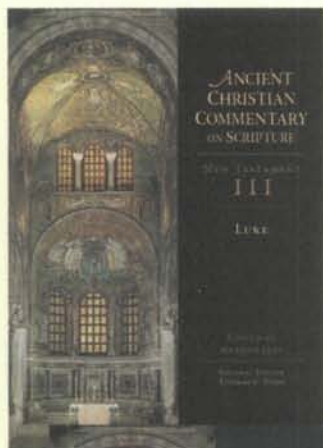
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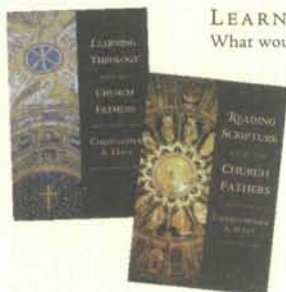
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